

# UK LAW

UNIVERSITY OF KENTUCKY COLLEGE OF LAW ALUMNI MAGAZINE

FALL 2014

NOTES

## FROM CLASSROOM TO LEGAL SCHOLAR

From law student to law faculty, our alumni discuss the journey back to the classroom.



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# MESSAGE FROM THE DEAN



Hello from the Bluegrass State! I hope the 2014 issue of *Law Notes* finds you and your loved ones well. You will read that it has been quite a year at UK College of Law. After a successful Commencement Ceremony, with 125 graduates receiving their Juris Doctor Degree, I began to reflect on the many accomplishments of our UK Law family and the

interesting career paths taken after graduation. This year, our feature article focuses on five alumni whose journeys brought them into the classroom at UK Law for a legal education and led to their return to classrooms across the nation to teach law. We also look at the journeys of those who went from the classroom to the courtroom and the classroom to the corporate world. I hope these stories will bring you as much joy as they did me and that you will warm-heartedly remember the connections you made at the College of Law when you began your own law journey.

We were extremely honored to host Justice Elena Kagan in the Fall 2013 as part of the Roy R. and Virginia F. Ray Lecture Series. We also held a variety of other events this past year that engaged the College of Law with members of the legal profession across the nation: the Securities Law Symposium, the KBA Criminal Law Forum, the first Legal Writing Workshop, and the fourth Developing Ideas Conference.

We continue to be proud of our distinguished faculty who produce new scholarship and engage the communities in their various areas of law. Professor Jennifer Bird Pollan received a Fulbright Visiting Professorship for Spring 2015 to study in Austria; Professor Josh Douglas published his first casebook, *Election Law and Litigation: The Judicial Regulation of Politics*; Professor Scott Bauries filed an amicus brief with the U.S. Supreme Court in *Lane v. Franks*; and Jane Grisé started *Raise the Bar*, a wellness

program for students, faculty and staff. We are also excited to welcome three new faculty members: Andrew K. Woods, Anthony Farley, and Albertina Antognini.

Our students also continue to excel. This past spring, five law students joined Professor Josh Douglas to study abroad in London, England, and 25 law students volunteered at our VITA clinic preparing tax returns for low income individuals. We inducted three new members into our UK College of Law Hall of Fame: Albert B. Chandler III (UK Law '86), W. David Denton (UK Law '69), and William R. Garmer (UK Law '75). Finally, the 2014 UK College of Law Golf Tournament presented by LexisNexis brought out a record number of student participants, as well as many of our alumni, to raise the largest profit to date to benefit our students with scholarships and stipends for summer clerkships in the public interest sector.

UK Law is a special place for all of us. This issue of *Law Notes* is promised to be filled with stories about exceptional students, faculty and alumni who have used their education as a starting point for their individual law journeys. I encourage you as you read through the magazine to reflect on your own paths, goals and visions. I am proud to be associated with every single one of you who has once called UK College of Law "home." Remember to keep in touch and continue to let us know where you are and what you are doing. I hope you enjoy this issue of *Law Notes*, and as always, I look forward to what the upcoming year will bring.

Sincerely,

A handwritten signature in black ink, appearing to read "DA BRENNEN".

David A. Brennen  
Dean and Professor of Law

# COLLEGE HOSTS FIRST SECURITIES LAW SYMPOSIUM

On Friday, October 11, 2013, the Kentucky Law Journal (KLJ) and the University of Kentucky College of Law hosted the first Securities Law Symposium, *The Securities Act of 1933 at 80: Does It Provide a Fair and Efficient Access to Capital?* Local practitioners and UK law students filled the College of Law Courtroom for the privilege to hear the following nationally-known scholars who gathered on the same day in one place to discuss and debate their ideas:

- **Rutherford B Campbell**, Spears-Gilbert Professor of Law at the University of Kentucky College of Law
- **James D. Cox**, Brainerd Currie Professor of Law at Duke University School of Law
- **Joan MacLeod Heminway**, W.P. Toms Distinguished Professor of Law at the University of Tennessee College of Law
- **Donald Langevoort**, Thomas Aquinas Reynolds Professor of Law at Georgetown Law
- **Usha Rodrigues**, Associate Professor of Law at the University of Georgia School of Law
- **William K. Sjostrom**, Director of the Business Law Program and Professor of Law at the University of Arizona James E. Rogers College of Law
- **Robert B. Thompson**, Peter P. Weidenbruch, Jr. Professor of Business Law at Georgetown Law
- **Manning G. Warren III**, Harold Edward Harter Professor of Law at the University of Louisville Brandeis School of Law

The keynote lunch speaker was Professor Troy A. Paredes, former Commissioner at the U.S. Securities and Exchange Commission, and commentators were UK College of Law Associate Dean of Academic Affairs and Professor of Law Douglas C. Michael, and attorney Thomas E. Rutledge of Stoll, Keenon and Ogden, PLLC.

The symposium's focus was on whether the Securities Act of 1933 offers businesses fair and efficient access to external capital. Both the KLJ and College of Law believed it was a timely subject in light of the 1933 Act turning 80, and the recent enactment of the JOBS Act in 2012.

The program was approved by the Kentucky Bar Association's Commission on CLE for four hours of Continuing Legal Education Credit.

The KLJ is the tenth oldest law review published by the nation's law schools. The Journal is edited entirely by a student editorial board, with guidance from a faculty advisor. KLJ is in the beginning stages of planning its Fall 2014 or Spring 2015 annual symposium.



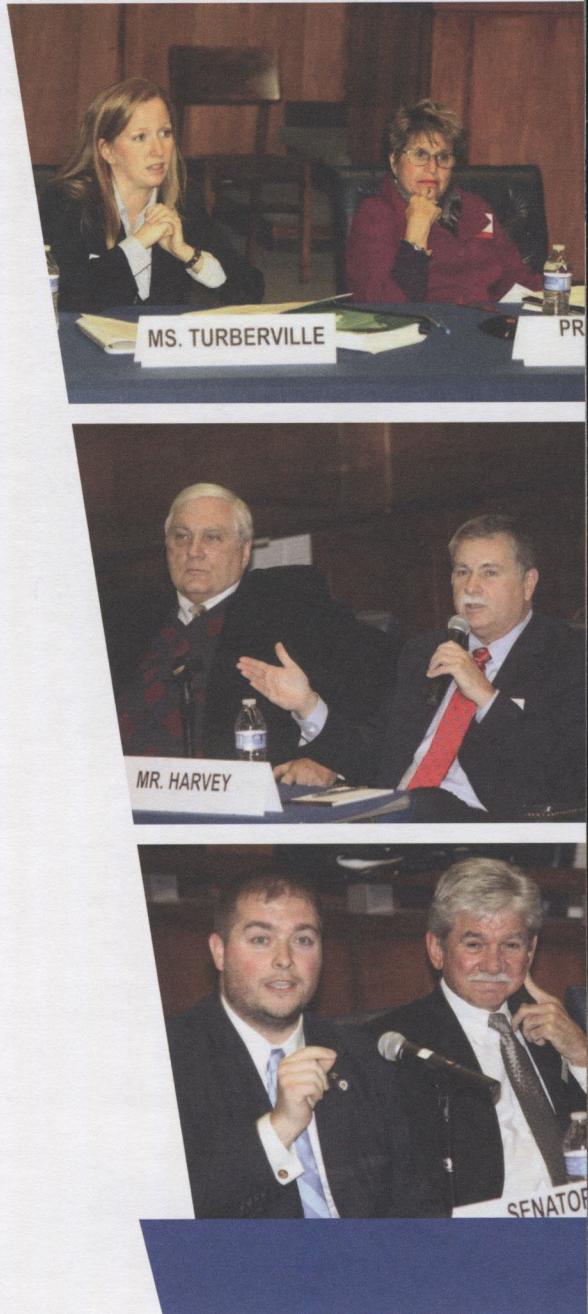
# COLLEGE HOSTS CRIMINAL LAW FORUM

On Friday, November 15, 2013, the Kentucky Law Journal teamed up with the Kentucky Bar Association's Criminal Law Section to present the Second Annual Forum on Criminal Law Reform in the Commonwealth of Kentucky, *The Death Penalty in the Commonwealth: What the ABA Kentucky Death Penalty Assessment Team Report on the Administration of the Death Penalty in Kentucky Means*. Kentucky judges, lawmakers, professors, and practitioners gathered to explore the findings of the American Bar Association's assessment of capital punishment in Kentucky. The report found serious problems in the implementation of the state's death penalty, including high error rates and inconsistent application.

Distinguished speakers of the forum included:

- **Stephen B. Bright**, Harvey Karp Visiting Lecturer in Law at Yale Law School
- **David A. Brennen**, Dean and Professor of Law at the University of Kentucky College of Law
- **J. Michael Brown**, Secretary of the Kentucky Justice and Public Safety Cabinet
- **Allison Connelly**, James and Mary Lassiter Professor of Law at the University of Kentucky College of Law
- **Linda Sorenson Ewald**, Professor Emeritus at the University of Louisville Brandeis School of Law
- **Kerry B. Harvey**, U.S. Attorney for the Eastern District of Kentucky
- **Martin E. Johnstone**, Retired Kentucky Supreme Court Justice
- **James E. Keller**, Retired Associate Justice of the Kentucky Supreme Court
- **Cortney Lollar**, Assistant Professor of Law at the University of Kentucky College of Law
- **Marla Sandys**, Associate Professor at Indiana University
- **Larry D. Simon**, Louisville Criminal Defense Lawyer
- **John Tilley**, Kentucky House of Representatives
- **Sarah E. Turberville**, Director of the American Bar Association's Death Penalty Moratorium Implementation Project
- **Gennaro F. Vito**, Professor of Justice Administration at the University of Louisville
- **Robin L. Webb**, Kentucky State Senator
- **Whitney Westerfield**, Kentucky State Senator
- **Thomas B. Wine**, Commonwealth's Attorney for Jefferson County

In 2012, the Kentucky Bar Association Criminal Law Section initiated a Criminal Law Reform Forum series to be held at a Kentucky law school each year in the fall in a way that would be context for the subsequent General Assembly as it considers criminal law issues.





## A LETTER FROM LONDON

Dear UK Law,

### *Top of the morning from London!*

I am fortunate enough to be one of five UK Law students studying abroad with the London Law Consortium (the "LLC") this semester. We are studying international and comparative law with about 20 other American law students from a handful of law schools across the United States.

We are taking a wide range of courses including: British Legal Methods, European Union Law, International Family Law, Comparative Inequality, and Election Law. Our courses are instructed by three American law professors (including UK Law's own Professor Joshua Douglas); a professor from King's College, London; and a practicing Queen's Council barrister.

Perhaps most exciting, a number of us are participating in a barrister shadowing program. We are matched with practicing barristers and observe them in court. Just this week, my barrister invited me to watch an oral argument before the UK Supreme Court!

Outside of the classroom, the LLC has graciously arranged legal and cultural activities for us. We received an inside tour of Parliament, spent a day touring Oxford, and dined at The Inner Temple, one of the Inns of Court.

Living in London is a wonderful experience in itself. Our classroom is about 100 yards from the British Museum, we can choose from any of a dozen West End shows, and we have continued more than one after-class debate in a pub.

I can speak for all of us when I say the last two months have been amazing—but they have gone by too fast (not the usual law school lament). This once-in-a-lifetime opportunity has broadened my legal perspective and challenged me to rethink my worldview.

On behalf of my classmates, I would like to thank Dean Michael, Dean Brennen, and the UK College of Law for making this opportunity possible.

Cheers,  
Jack Phillips

PICTURED ABOVE: Ari Douglas, Professor Josh Douglas, Aubrey Vaughan, Catherine Gavin, Jack Phillips, and Ella Dunbar.



## COMPETITIONS

Congratulations to all of the members of the University of Kentucky College of Law Black Law Students Association, Moot Court Board, and Trial Advocacy Board. Below is a list of their competitions from the 2013–2014 season:

2013–2014 National Moot Court Competition

2014 AIPLA Giles Sutherland Rich Memorial Moot Court Competition

2014 E. Earle Zehmer Moot Court Competition

2014 National Tax Moot Court Competition

Intrastate Trial Competition

National Trial Competition

NBLSA Nelson Mandela International Negotiations Competition

Tournament of Champions

# BY THE NUMBERS

Volunteer Income Tax Assistance Program

587

TAX  
RETURNS  
FILED

\$579,000

IN FEDERAL REFUNDS

46

TOTAL  
VOLUNTEERS

\$114,465

Dollars Saved on Preparation Fees

*"It's phenomenally fulfilling,"*  
exclaims Associate Dean Doug Michael,  
who has led the VITA program since  
the early 90's. "Our volunteers are  
just heroes to these people. They  
cry, they hug you—it's amazing."

\$110,000

IN STATE REFUNDS

Thank you to Professors Doug Michael and Jennifer Bird-Pollan, and to the following College of Law students: Allan Amburn, Patrick Barsotti, Andy Bates, Austin Byars (UK '13), Chris Carson, Rachael Chamberlain, Matt Doane, David Harper, Michael Hill, Sarah Houseman, Blair James, Nabeel Jawahir, Nathan Klein, Dagong Luo, Kat Milby, Jacob Moak, Robin Muncy, Sean O'Donnell, Cate Poole (UK '11), Katharine Sagan, Tracy Scherzer, Abid Shalash, Drake Staples, Jake Thompson, Mary Ellen Wimberly, Annie Wurtzebach, and Laura Leigh Zimmerman.

1,320

HOURS OF  
TRAINING

# Developing Ideas Conference

On Wednesday, May 21, the University of Kentucky College of Law held its fourth annual Developing Ideas Conference. Untenured and recently tenured faculty from across the nation were able to gather and share their developing ideas for scholarship in an informal, supportive, and engaging environment—just before diving into summer research.

Nicole Huberfeld, H. Wendell Cherry Professor of Law and Chair of Faculty Development at UK College of Law, spearheaded the 2014 conference.

"This conference exposes people from across the country to how strong and collegial our faculty is and leaves them with a great impression of UK," says Huberfeld.

UK College of Law faculty and discussants included Scott Bauries, Jennifer Bird-Pollan, Dean David A. Brennen, Stephen Clowney, Josh Douglas, Nicole Huberfeld, Diane Kraft, Associate Dean of Academic Affairs Doug Michael, Melynda Price, Richard Underwood, and Sarah Welling.

Mary J. Davis, Stites and Harbison Professor of Law at UK College of Law, started the conference with a regional focus for participation in 2011. Professor Huberfeld then expanded the conference in 2013 to include faculty throughout the nation.



## This year's participants included:

**Spearlt**, Associate Professor of Law at Texas Southern University Thurgood Marshall School of Law

**Kristen Barnes**, Assistant Professor of Law at the University of Akron School of Law

**Rabia Belt**, Graduate Student at the University of Michigan

**Matthew Bruckner**, Visiting Assistant Professor at Cleveland-Marshall College of Law

**Zack Buck**, Assistant Professor of Law at Mercer University School of Law

**Brian L. Frye**, Assistant Professor of Law at the University of Kentucky College of Law

**Jennifer M. Kinsley**, Assistant Professor of Law and Director of the Field Placement/Externship Program at Northern Kentucky University Chase College of Law

**David Kwok**, Assistant Professor at the University of Houston Law Center

**Michelle M. Kwon**, Associate Professor of Law at the University of Tennessee College of Law

**Cortney Lollar**, Assistant Professor of Law at the University of Kentucky College of Law

**Molly E. McBurney**, Assistant Professor of Legal Writing and Research at the University of Akron School of Law

**Melinda Sommers Molina**, Assistant Professor of Law at Capital University Law School

**Sarah Morath**, Assistant Professor of Legal Writing and Research at the University of Akron School of Law

**Cheryl Nelson Butler**, Assistant Professor of Law at Southern Methodist University Dedman School of Law

**Efthimios Parasidis**, Associate Professor of Law at the Ohio State University Moritz College of Law

**JoAnne Sweeney**, Assistant Professor of Law at the University of Louisville Louis D. Brandeis School of Law

**Kellen Zale**, Assistant Professor at the University of Houston Law Center



# NEW YEAR, NEW YOU

*The Road to a  
Healthy Lifestyle at  
the College of Law*

To start the new year off right, the UK College of Law introduced *Raise the Bar*, a wellness program for students, faculty and staff. Jane Bloom Grisé, Director of Academic Success and Professor of Legal Writing, came up with the idea for a wellness program after attending *A Conversation about Mental Health and Wellness in Law School and the Legal Profession*, hosted by KYLAP and the Dave Nee Foundation in November.

She posed the question, "If 30% of law students are depressed, why aren't we doing something about it?" Grisé believes programs like *Raise the Bar* can make a difference in improving the physical and mental health of those in legal education and the profession.

Students, faculty and staff embraced the program during the spring semester, with an average of 50 people attending each session.

- *First Semester Grades* was taught by Doug Michael, Associate Dean of Academic Affairs, and Susan Steele, Associate Dean of Career Development, on January 23. They spoke about the meaning of first semester grades in law school and in a student's legal career.
- *Pilates* was instructed by Robert Turner, a former Sergeant of the US Marine Corps and Pilates teacher, on February 13. He taught techniques to strengthen core muscles, increase energy, and help reduce stress.
- *Mindfulness* took place on February 27 with Professor Ruth Baer from the UK Psychology Department speaking. Attendees learned meditation techniques to help face complex and challenging problems.
- *Yoga*, which aids in stress reduction, followed on March 13, led by Debra Booker from the Lexington Healing Arts Academy.
- *Cooking Demo* was led by Nutritionist Beth Loiselle from Good Foods Co-op on April 15. She wrapped up the spring semester of *Raise the Bar* by teaching students how to cook healthy food on a law school budget.

Students enjoyed the program so much that they are establishing a health and mental wellness law student organization. Third-year student Yvette DeLaGuardia enjoyed attending *Pilates* and encourages other students to come out and participate in the future.

"Rob Turner taught us some really interesting things about breathing techniques, posture, and where we carry stress," says DeLaGuardia. "I've been much more aware of these things since the session, and I am trying to incorporate what he taught us into my daily life."

Grisé plans to continue the free *Raise the Bar* program throughout the Fall 2014 semester in partnership with the new student organization. Here's to a fresh start at UK College of Law!



## Legal Research and Writing Program Hosts Regional LWI Workshop

The University of Kentucky College of Law's Legal Research and Writing Program was proud to host its first Legal Writing Institute One-Day Workshop in December. Melissa Henke, Director of the Legal Research and Writing Program and Assistant Professor of Legal Research and Writing at the College of Law, welcomed professors from law schools in Kentucky, Ohio, Tennessee, and North Carolina who participated in a series of workshops on the theme, The Evolving Legal Writing Classroom.

The one-day workshop, sponsored by Westlaw, LexisNexis and Bloomberg Law, was a great opportunity for professors to learn new ideas for incorporation during upcoming semesters. Allison Connelly, James and Mary Lassiter Professor of Law at UK College of Law, presented *Dylan, A Complete Lawyer: Using Music to Teach Skills*. Since trials are stories, she resorted to one of American music's best storytellers, Bob Dylan. Using Dylan's *The Lonesome Death of Hattie Carroll* and *Hurricane*, students are able to hear how a good story is told. Dylan paints word pictures of how the crime occurred, which allows students to realize how they must tell a client-centered story in a jury-centered courtroom. Along with Connelly, 14 other professors spoke throughout the day on different theme-related topics.

"It's an opportunity for us to share what we've been doing," says Professor Henke. "The other benefit—the sharing of ideas with other faculty members who teach the same subject."

Winter weather conditions impacted travel for many professors and speakers who planned to attend. Due to the less-than-ideal weather conditions, a smaller group of professors was in attendance. But the smaller group created an environment that allowed for more audience participation and discussion.

"It was nice that we got the opportunity to kind of show off what we've done and let surrounding schools know what we're doing," said Professor Henke.

Professor Henke has received many thank you notes from participants who have already incorporated new ideas from the workshop into their daily lessons. The Legal Writing Institute sponsors One-Day Workshops in collaboration with law schools around the country every December, and Professor Henke hopes UK College of Law will host again in the future.

# COMMENCEMENT 2014

On Friday, May 9, 2014, the University of Kentucky College of Law held its Commencement Ceremony for the Class of 2014. Family and friends gathered in the Singletary Center for the Arts to honor and celebrate the graduating students.

Jeffrey S. Moad, as the highest-ranked student of the class, gave the greetings for the graduates.

"I am humbled to have this opportunity to speak today," said Moad. "It has been an absolute honor to spend these past three years with some of the smartest, kindest, and most interesting people I have ever met."

Professor Stephen Clowney, selected by the graduating students, delivered remarks on behalf of the College of Law faculty, and Thomas L. Rouse, President of the Kentucky Bar Association, spoke on behalf of the practicing bar.

The faculty selected Jessica Beard as this year's Faculty Cup Recipient, and Dean David A. Brennen presented her with an engraved silver julep cup during the presentation of awards. The Faculty Cup recognizes a graduating student whose endeavors, both in and out of the classroom, made the law school a more interesting place in which to teach and a more pleasant place for faculty and students alike. Dean Brennen then presented members of the graduating class with certificates signifying attainment of the degree of Juris Doctor.

Earl F. "Chip" Hamm, the College of Law Alumni Association President, welcomed

the 125 new graduates as distinguished alumni. In closing remarks, Dean Brennen noted the accomplishments of this class.

"The College of Law Class of 2014 is a collection of students who have formed a community that extends beyond the classroom," stated Dean Brennen. "In the three years this class has been a part of the College of Law, these students have achieved extraordinary accomplishments, including assisting in the VITA tax clinic to prepare approximately 1,593 tax returns and save local taxpayers over \$321,735 in preparation fees, raising funds and collecting needed supplies for Kentucky tornado victims and Kentucky Refugee Ministries, integrating health and wellness into the Law School community by participating in wellness club initiatives, assisting with the election process by staffing the Kentucky voter hotline through the Law Election Protection Project, as well as assisting the Kentucky Board of Elections with election monitoring on election day, succeeding in Trial Team competitions, attending the Annual Conference on Women in Law for the first time, participating in the Kentucky Innocence Project administered by the Kentucky Department of Public Advocacy, and performing pro bono work through an Eastern Kentucky alternative spring break opportunity."

Congratulations Class of 2014! We look forward to the remarkable achievements of this class in years to come.



## \*THE ROUSE RULES

Thomas Rouse, KBA President

1. When in doubt, don't.
2. CYA (i.e., Document, document, document!).
3. It's not your money (until it is).
4. The client wins all disputes with you.
5. What is right is not necessarily legal, and vice versa.
6. Lies will imprison you; the truth will set you free.
7. Never trust the person you are cheating with.
8. The cover up is worse than the crime.
9. Insurance companies are in business to make money, not pay claims.
10. You catch more flies with sugar than you do with salt.
11. If you are early, you are on time. If you are on time, you are late. If you are late, you run until your tongue drags.



## A CONVERSATION WITH **Justice Elena Kagan**

On Thursday, September 19, 2013, Justice Elena Kagan joined Dean David A. Brennen before a sold-out crowd at the Singletary Center Recital Hall for a conversation about her experiences on the nation's highest court as part of the Roy R. and Virginia F. Ray Lecture Series at the University of Kentucky College of Law.

Justice Kagan began her day at the College with a welcome reception hosted by the Women's Law Caucus student organization and a lunch with the College of Law faculty at the Hilary J. Boone Center. She then served as guest lecturer in Professor Paul Salamanca's Federal Courts class, answering a series of student questions.

The conversation focused on Justice Kagan's life as a judge and the direction of litigation in the United States. She spoke about her relationships with the other justices, noting, "We disagree, but then we put things aside and come back the next day, fresh."

Justice Kagan was asked about challenges she had overcome in her academic life, and her response served as excellent advice not only for law students, but for everyone.

"Life does not end with your first semester law school grades," said Justice Kagan, who was in the bottom third of her law school class after her first semester.

She went on to speak about post-academic life challenges, including her nomination to the D.C. circuit lapsing without the Senate acting. Instead of becoming a judge at age 39, she gained invaluable experience, skills, and knowledge over the next decade.

"I think that's often the way life works," said Justice Kagan. "You think you want something, you don't get it, then it turns out it was kind of a good thing that you didn't get it, because when a door closed one place, a window opened some place else and it ended up being, you know, just fine."

Justice Kagan was the first female U.S. Solicitor General and first female Dean of Harvard Law School before her 2010 appointment to the U.S. Supreme Court by President Barack Obama. As the 112th justice, she is notable for being only the fourth woman to serve on our nation's highest court.

# CLASSROOM TO COURTROOM

The Journey to the Bench



After receiving his Juris Doctor in 1999, Judge **Wes Tailor** began his legal career as a litigation associate at Troutman Sanders LLP, in Atlanta, Georgia. In 2005, Judge Tailor decided to take time off from practicing law and travel through Central America. Shortly after, he became a prosecutor in DeKalb County, Georgia, for two years.

"In a lot of people's eyes, it was a step back after Troutman," said Judge Tailor. A step back for some, but a step forward for someone who wanted to prove that he could try a case.

Judge Tailor then moved up to serve as the General Counsel to the Secretary of State, the Director of Elections, the Assistant Secretary of State, and the Acting Secretary of State for the State of Georgia, before his 2010 appointment to the Fulton County State Court by Governor George Ervin "Sonny" Perdue III.

"I think I've been able to establish a courtroom where people get a fair shake," said Judge Tailor, also noting that he treats everyone with the utmost respect and dignity—both in and out of the courtroom.

One of Judge Tailor's biggest career accomplishments comes from managing two of Georgia's largest General Elections—the 2008 Presidential Election and the 2010 Gubernatorial Election—with virtually no problems.

"We spent a lot of time making sure everyone was able to cast a vote," said Judge Tailor.

Judge Tailor wouldn't be where he is today without his beautiful wife (currently a partner at Troutman Sanders LLP), his 16-month-old son, and his influential father—a man who put himself through college and became a financial planner, despite growing up in a poor, single-parent household.

"He set a very good example for me to follow," said Judge Tailor.



With a great recommendation from former College of Law Professor Frederick W. Whiteside, Jr., Judge **Joseph Goeke** (1975) was able to land a summer law clerk position with the IRS in Cincinnati during his second year of law school. Judge Goeke then applied for a permanent position with the IRS in New Orleans, a city suggested by his summer IRS mentor Conley Wilkerson, a UK College of Law graduate.

Upon graduating, he joined the IRS as a trial attorney, where he worked from 1975–1988 in both New Orleans and Cincinnati.

"I had lived in Kentucky my whole life—it was exciting to go someplace I'd never been," Judge Goeke explained about his move south in 1975.

Professor Bob Lawson's Evidence class prepared Judge Goeke for the courtroom. While working for the IRS in New Orleans, he became a better trial advocate with the help of his boss and mentor, George Becker. He was initially able to try a variety of civil tax cases, and eventually was counsel for the IRS in larger corporate cases.

"Trying smaller cases first gave me the confidence to try the big ones," said Judge Goeke.

In 1988 he left public service to join former IRS co-counsel and UK College of Law grad Joel Williamson at Mayer, Brown in Chicago. After 15 years at Mayer, Brown, Judge Goeke was asked if he had any interest in being a judge on the U.S. Tax Court in Washington, D.C. After much thought, he agreed to be considered and in January 2003, he was nominated for the Tax Court by President George W. Bush and confirmed by the Senate in April 2003. He has enjoyed his time as a judge and has been fortunate to have had great law clerks throughout the years—many from the UK College of Law.

"The opportunity came at just the right time," Judge Goeke said—a time when he wanted to focus on spending more time with his family and his children's educations were not disrupted.

Judge Goeke encourages students who wish to follow in his footsteps to work hard at every task no matter the perceived level of importance and be aware of the connections that can be made during life. He has no regrets about the career path he chose, but he does wish he would have been more appreciative of the opportunities that were given to him.

Judge Goeke said, "I'm sure I thanked him [Whiteside], but I didn't see how beneficial the connection was to me at the time—how significant he was in my life."

# FROM CLASSROOM TO LEGAL SCHOLAR

BY ROBIN ROENKER



Some always knew they wanted to study law. Others were inspired during college. All of them, though, found their calling in teaching law to help educate tomorrow's attorneys. Read about five UK College of Law graduates who are now respected law faculty—at the University of Kentucky, the University of Georgia, and the University of Arkansas at Little Rock. Their work teaching students, crafting new legal textbooks, and researching and writing scholarly articles is, literally, shaping the future of the profession.

## Sarah Howard Jenkins

Growing up with a father who was a prominent Civil Rights attorney in 1950–1960's Arkansas, Sarah Howard Jenkins (1982), Charles C. Baum Distinguished Professor of Law at the University of Arkansas at Little Rock (UALR), literally came of age understanding the power—and importance—of the law.

"I knew when I was seven years old that I wanted to be a lawyer," said Howard Jenkins. After dinner on Sundays, my dad would read portions of his briefs to us, so I grew up hearing legal arguments and understanding the power of legal recourse to redress the deprivation of constitutional rights," said Howard Jenkins, who, as a high school student, testified in federal court in Arkansas in order to become the sole African American desegregator of her public school.

Howard Jenkins attended Hanover College in Indiana, majoring in speech and drama, and then received a Master's Degree in English and Theater Arts from the University of Kentucky (UK) in 1970. "It was a bit of an escape," Howard Jenkins said of her interim years performing and teaching drama at

Kentucky State University. "For a time, I was afraid that if I became an attorney I might not be as good as my father [who eventually was appointed to the federal bench in Arkansas by President Carter]," she said. "But, I finally realized that wasn't the issue. What mattered was being as good as I could be."

Shortly after her divorce, Howard Jenkins enrolled at UK Law while raising her young daughter as a single-parent. While still a student, she shared her dream of one day becoming a law professor with Carroll Stevens, at the time a UK Law Associate Dean. Three years later, in the midst of a successful practice in Phoenix, Arizona, she was surprised to open her mailbox and find a letter from the Association of American Law Schools, inviting her to interview for a teaching position.

"I called Carroll Stevens and he said, 'Yes, I am responsible [for that letter]. I am intervening in your life. You had told me you wanted to be a law professor, and now it's time to start interviewing,'" Howard Jenkins said, remembering only then that Stevens had advised her not to practice more than three years before making the switch to academia.

"I had been praying for a transition to achieve a balance between parenting and lawyering and this letter was my miracle," Howard Jenkins said.

Howard Jenkins' next call was to former UK Law professor John Garvey, now president of The Catholic University of America. "He told me to make up my mind about interviewing that day, to contact any school on the list that piqued my interest and to be flexible about the areas I wanted to teach. I followed his advice with the added geographical goal of connecting my daughter with her extended family; the rest is history," she said.

Now, nearly three decades into her teaching career—the last 22 at UALR—Howard Jenkins is a nationally recognized scholar in the field of contracts and commercial law; she is an expert on the Uniform Commercial Code (UCC), the fundamental U.S. law governing commercial transactions; and she has repeatedly been awarded for her excellence in research, most notably volume 13 of Revised Corbin in Contracts, and her teaching.

"In teaching my classes, I try to be as challenging as Professor Garvey in terms of expanding my students' thinking beyond

concrete existing rules to the theoretical justification for the rule, and then extrapolating from that, applying it [the rule] in other settings," Howard Jenkins said. Her very structured approach to teaching—using, for example, the organization of the course casebook as an analytical framework for the entire class—is based, she said, on the teaching style of UK Law Professor Robert Lawson. "I want students to arrive prepared, and I want them engaged, sitting on the edge of their seats participating in the dialogue," she said.

Howard Jenkins is currently returning to UALR after a six-month Fulbright Scholar position in Sofia, Bulgaria, where she introduced undergraduate business students to comparative contract and international business law.

"I am really glad I decided to go to law school. I still have an opportunity to have a little drama in my life—as a professor," Howard Jenkins said, likening the challenge of engaging a classroom of students to her former years as a performer. "It's been the best mixture of both worlds."



## Rebecca White

Rebecca White (1981) has served as Dean and J. Alton Hosch Professor of Law at the University of Georgia (UGA) for the last decade. While White said she has enjoyed being dean immensely, she plans to step down from the position at the end of this year.

"Being dean has provided me with a wonderful platform to connect with former UGA law students, and talk with them about our law school, its strengths, its needs, and its challenges—and to inspire them to give back," said White, a native of Lexington, who received her undergraduate degree in English from Eastern Kentucky University.

White is also proud of having a hand in helping recruit and hire faculty to UGA's Law School. "Having served as dean for such a long time, I think over half of the faculty here now have been hired during my time as dean. Being able to bring in such talented men and women who are going to shape the future of the law school has been extraordinary," she said.

White, who graduated first in her class and served as editor-in-chief of the Kentucky Law Journal at UK Law, decided during law school that "being a law professor would be the best job in the world." "I knew during law school that that's what I wanted to do," said White.

White joined the faculty at UGA in 1989 and has spent her entire career there, earning dozens of accolades for her teaching excellence, including the university's Josiah Meigs Teaching Professorship in Spring 2000—its highest award for teaching.

White's goal for her students: to leave her classroom with the ability to think analytically and critically. "We have to teach them to see shades of gray, where they might have once only seen white or black. If they have that skill, they will be able to respond to whatever changes in the law are going to occur," she said.

"I had the good fortune to learn from some extraordinary teachers at the UK College of Law," White said. "And when I started teaching, they were my role models. I tried to borrow from the very best. My goal all along has been to do for my law students what my law faculty did for me."



## Kent Barnett

Kent Barnett (2005) credits his two years in UK Law's new Visiting Assistant Professor of Law (VAP) position with preparing him to successfully tackle the competitive law school job market. "I was UK's first Visiting Assistant Professor (2010–2012)," said Barnett, a native

of Shelbyville, Ky., who graduated from Centre College with an undergraduate degree in art history.

"If that position hadn't been available to me, I probably never would have tried to enter the academic job market, because I knew it was a very hard road to pursue, and there is a sense that most of the people hired for faculty positions come from top-tier schools like Yale, Harvard, and Columbia. But the UK Law faculty—people like Dean Brennen, Mary Davis, Steve Clowney, Mike Healy, Chris Frost and many others—worked with me to

teach me how to present myself on the market, how to have a research agenda, how to make time to write and to teach," said Barnett. "I'm very thankful for the guidance that they gave me."

Thanks to a formative clerkship for Judge John Rogers at the U.S. Court of Appeals for the Sixth Circuit, his time in private practice at a top international law firm, and impressive teaching and research credentials during his VAP years at UK Law, Barnett was able to land a job as an assistant professor of law at the University of Georgia in 2012, a position that he says has been "a perfect

fit." Barnett teaches classes on contracts, sales, and consumer law, while his research focuses more heavily on administrative law and consumer law, including recent legal changes brought about by the establishment of the Consumer Financial Protection Bureau.

For Barnett, studying law is a passion. "It was a rare instance in law school for me to find an area of the law I didn't enjoy," he said. "I love the critical thinking that's involved—the slowing down, the thinking through the premises that are involved," he said.



## Sarah Welling

As the first attorney in her family, Sarah Welling (1978) didn't grow up with aspirations of going to law school. "When I was young, I thought lawyers were simply people who sat around and read dense blocks of print that just seemed impenetrable to others," said Welling, who grew up in Evanston, Ill.

But by the end of her college years—she earned an undergraduate degree in American Studies from the University of Wisconsin Madison in 1974—Welling had decided to explore the profession. "I was interested in seeing what law was all about," she said.

Welling moved to Lexington after college to be closer to her sister, and applied only to UK Law. Once enrolled, she excelled: she was editor-in-chief of the *Kentucky Law Journal* and graduated fifth in her class.

Welling's focus in criminal law began through her clerkship with Judge Eugene Siler, then a federal district judge in Lexington, and extended to her first years as a practicing attorney in Chicago with the firm of Isham, Lincoln & Beale, from 1979–1981. A Chicago utility company—Isham, Lincoln & Beale's largest client—was on trial at the time for allegedly lying to the federal government, and "they staffed that case with me, as the most junior associate, because I had spent a lot of time looking at federal criminal laws during my clerkship with Judge Siler," Welling said.

But by 1981, Welling was ready to make the switch to academia, and joined the UK Law faculty that year. With the exception of two visiting professorships—one at William & Mary in spring 1996 and the other at Loyola University Chicago in spring 2009—Welling has spent her entire teaching career at UK. In 2010, she was named the prestigious Ashland-Spears Distinguished Research Professor of Law.

Welling's success as a law student at UK first inspired her to consider teaching law as a profession. She said, "When I was in law school and saw that the law was something I liked to do, and that I could do well, the idea that I could eventually teach law as my career struck me as really wonderful."

Welling teaches classes on criminal law, federal criminal law, and criminal procedure—"which is basically search and seizure, issues of the Fourth Amendment," according to Welling. The grounded nature of criminal law is what Welling enjoys most about it. "Criminal law never gets too far away from the essential, human aspects of life," said Welling. "It never verges off too far into esoteric, theoretical, ivory tower-type discussions. In criminal law, you have to be able to explain the crime in terms that a jury would understand and vote to either send someone to jail, or not. So, criminal law is very much about the human condition, which I find very compelling."

And, she fundamentally enjoys working with students. "When you put a class of, say, 60 students in a room, and they all have these wonderful minds, some really new and interesting ways of thinking are going to come out," she said.

In addition to teaching, Welling publishes actively. In 2011, the U.S. Supreme Court cited Welling's discussion of habeas corpus actions from her federal practice treatise, *Wright & Welling Federal Practice and Procedure* (formerly known as *Wright & Miller*), Volumes 3 and 3A (4th ed., 2010, 2011, with annual supplements). "It was a thrill," she said of the citation. "And, it continues to reverberate through the courts. Because now, when courts are trying to decide whether that particular action is criminal or civil, they all cite the Supreme Court citing me."

She is certain that in teaching and research, she's found her true calling. "Sometimes I think I get paid to read these little engaging stories [criminal case decisions] and share them with really bright, engaging students," she said. "And I think, 'What's not to love about this job?'"



## Rutheford B Campbell

Rutheford B Campbell, Jr. (1969) has been a member of the UK Law faculty since 1973, serving as Dean of the College from 1988-1993. A native of Hyden, Kentucky, Campbell attended Centre College as an undergraduate before receiving his J.D.

from UK Law. Following law school, Campbell practiced for one year at White & Case in New York City. He then enrolled at Harvard University, earning his LL.M. Degree in 1971.

At that point, Campbell made the switch to academia, earning his first faculty placement as a professor at the University of South Carolina in 1971. Two years later, he joined UK Law's faculty, where he has taught ever since. His teaching and research interests focus on the securities, economics, and corporate law fields.

Over his long tenure at UK, Campbell has most enjoyed "working with students and studying the law as a discipline. The intellectual part of teaching is something I've enjoyed tremendously," said Campbell, who has also served intermittently over his career as counsel and partner with Lexington's Stoll, Keenon & Ogden law firm.

Having served on UK Law's faculty for four decades, Campbell said he believes "the core of what our law school is about has not changed. While legal education has gotten more complex over the period that I've been here, the core of the law school is the same. It has always been about faculty providing quality legal education to good students."

Reflecting on his time as Dean, Campbell said that administrative role allowed him to "meet a lot of really wonderful alumni as well as significant players in Kentucky and national politics and the economy, who helped us [support the law school] during that period."

Recently, Campbell's research has focused on fiduciary duties of business managers and small business capital formation. His publications have appeared in the *Duke Law Journal*, the *North Carolina Law Review*, and the *Washington University Law Quarterly*, among others.

"The rules respecting small business capital formation are very important for a market economy like we have, and small businesses occupy such a large portion of our economy, so you feel as if you're doing something that has at least some significance in the market economy," said Campbell. "And fiduciary duties are the same way. Every small business has managers," he said. "And our expectations and reward systems that we have in regard to those are timely and interesting to think about."

### NAME

### SCHOOL NAME

### GRAD YEAR

Robert G. Lawson	University of Kentucky College of Law	1963
William H. Fortune	University of Kentucky College of Law	1964
Michael P. Cox	Thomas M. Cooley Law School	1968
William R. Jones	Northern Kentucky University Chase College of Law	1969
Rutheford B Campbell, Jr.	University of Kentucky College of Law	1969
Edward H. Ziegler, Jr.	University of Denver Law School (Retired)	1973
James W. Gordon	Western New England College	1974
Chauncey E. Brummer	University of Arkansas (Retired)	1974
William E. Basanta	Southern Illinois University	1975
Henry L. Stephens, Jr.	Northern Kentucky University	1975
John A. Miller	University of Idaho	1976
Sarah N. Welling	University of Kentucky College of Law	1978
Marianna Jackson Clay	University of Kentucky College of Law	1978
Dean Rebecca H. White	University of Georgia	1981
Elizabeth McKenzie	Suffolk University Law School	1981
Allison I. Connelly	University of Kentucky College of Law	1983
Sarah Howard Jenkins	University of Arkansas Little Rock School of Law	1983
Shirley A. Wiegand	Marquette University Law School	1983
Christopher W. Frost	University of Kentucky College of Law	1986
Rhea Ballard-Thrower	Howard University School of Law	1986
Earl F. Martin III	Executive VP for Gonzaga (formerly Gonzaga University School of Law)	1987
Stanley E. Cox	New England School of Law	1988
Davalene Cooper	New England School of Law	1988
Brock Collins	Charleston School of Law	1996
David J. Herzig	Valparaiso University	1997
Thomas Sneed	Emory Law	1997
Matthew R. Hall	University of Mississippi School of Law	1997
Susan David deMaine	Indiana University Robert H. McKinney School of Law	1999
Steven Edward Richardson	Indiana Tech Law School	2003
Kent Barnett	University of Georgia	2005
Collin D. Schueler	University of Kentucky College of Law	2010

This list is comprised of alumni who we were able to identify as being on faculty at law schools across the nation.

# CLASSROOM TO CORPORATION

## The Journey to the Corporate World



**Gayle Herndon** stepped through the doors to study law at the University of Kentucky College of Law in 1979. Shortly after receiving his Juris Doctor in 1982, he began his career in law at Dewey Ballantine, a private firm in Washington D.C. After three years, he joined Stites & Haribson before becoming the Special Assistant to the Deputy Chief Counsel for the Internal Revenue Service (IRS).

While working for the IRS, Herndon was approached by the Vice President of Tax at General Electric (GE) with a unique opportunity to work for the corporation, a practice area he had not thought about pursuing.

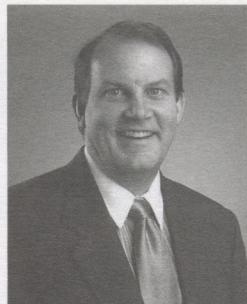
"I always thought I'd be coming back to be a partner in a law firm," said Herndon.

Even though some people would consider a career move to corporate law as a step back, it was a step forward for Herndon. Twenty-five years later he continues his career as a corporate lawyer for GE—a successful company that manufactures home appliances, lighting, jet engines, and health care machines, among other things.

Herndon admitted he may not be where he is today—happily working for GE—if it weren't for the influential leaders he has met along the way. Marty McMahon, a former professor at the College of Law, helped Herndon land a job with the IRS and John Samuels, Vice President and Senior Counsel for Tax Policy and Planning of General Electric, has been an excellent friend and mentor.

When Herndon started working for GE they were revamping. Fewer than 200 tax professionals were employed at the time. Today, the company employs over 1,000. Herndon is responsible for helping build the team oriented organization and has enjoyed being a part of that sort of growth.

"The accomplishment that stands out the most—when I read GE has the best corporate tax organization in the world!" exclaims Herndon.



"It is a journey," said **Jim Harralson**, on the transition from the classroom to the corporate world.

Harralson, a 1979 graduate of the University of Kentucky College of Law, had a chance encounter with lawyer Tommy Bell during his second year of law school that eventually led to a job offer and the start of his law career at Fowler Bell PLLC.

A few years later, the Owensboro native decided to return home, joining Sullivan, Mountjoy, Stainback & Miller, P.S.C.—a firm that handled local work for South Central Bell Telephone Company. In the fall of 1983, Harralson was approached by South Central Bell's legal department head. They were losing their second-chair attorney and wanted to offer Harralson the position.

"I'd gone back to my hometown thinking I'd never leave," said Harralson.

Instead, on December 1, 1983, Harralson began working as a corporate lawyer for South Central Bell. It was the encouragement and guidance of Creighton Mershon, former vice mayor of Louisville and the head of South Central Bell's Kentucky office, that brought Harralson to the company in the first place.

"Corporate practice is a great place to be!" exclaimed Harralson. "It provides a great opportunity to work predictable hours with clients that are competent business professionals."

Because of the difficulty to get hired by a corporation immediately after graduation, Harralson advises young lawyers who want to follow in his footsteps to practice in the private or government sectors first.

"Corporate employers want to take advantage of the great training that firms and government agencies provide," advises Harralson. "Doing well in one of those sectors likely will provide corporate opportunities to consider."

Harralson recently retired on December 30, 2013, after 30 years with BellSouth (where he served as chief regulatory lawyer) and AT&T.

"I think I made the right professional choice," said Harralson. "Changes in telecommunications technology and its regulations provided me with challenges and professional fulfillment I couldn't have gotten anywhere else."

# Welcome New College of Law Faculty



## ANDREW K. WOODS

Andrew K. Woods is appointed as an Assistant Professor of Law. He is a cybersecurity fellow at Stanford University's Center for International Security and Cooperation and a postdoctoral fellow at Stanford's Center for Philanthropy and Civil Society. He holds a J.D. from Harvard Law School and a PhD in Politics from the University of Cambridge. Woods' research focuses on how parties create and enforce legal obligations in the absence of strong enforcement mechanisms. His teaching interests include: contract law, international business transactions, corporate law, and international law. His publications include: *Understanding Social Action, Promoting Human Rights, Moral Judgments and International Crimes: The Disutility of Desert, Toward a Situational Model for Regulating International Crimes, and A Behavioral Approach to Human Rights*. His writing has been featured in the *Financial Times*, the *International Herald Tribune*, and *Slate*. He will be teaching courses in Contracts and Business Associations.



## ANTHONY FARLEY

Anthony Paul Farley will be the James and Mary Lassiter Distinguished Visiting Professor during the Fall 2014 semester. He is the James Campbell Mathews Distinguished Professor of Jurisprudence at Albany Law School. Prior to joining the Albany faculty, Farley was a tenured professor of law at Boston College Law School where he taught for sixteen years. He has also been Haywood Burns Chair in Civil Rights at CUNY School of Law and a visiting professor at Northeastern University and Golden Gate University. Prior to entering academia, Farley served as an Assistant U.S. Attorney in the Office of the U.S. Attorney for the District of Columbia and as a Corporate/Securities Associate with Shearman & Sterling in New York City.



## ALBERTINA ANTOGNINI

Albertina Antognini will be a Visiting Assistant Professor during the 2014–15 academic year. She joined Stanford Law School as a fellow in 2011. She received her J.D., *cum laude*, from Harvard Law School. During law school, she worked at Asociación por los Derechos Civiles in Buenos Aires, and Debevoise & Plimpton LLP in New York. After graduation, Antognini received a Frederick Sheldon Fellowship to research immigration law in Paris, where she was in residence at the École Normale Supérieure. She then worked at the Immigrants' Rights Project of the American Civil Liberties Union in New York as a volunteer attorney. Most recently, Antognini clerked for Honorable Rosemary S. Pooler of the U.S. Court of Appeals for the Second Circuit. Her primary teaching interests include Family Law, Immigration Law, Trusts and Estates, and Property.

# Faculty Notes



**RICHARD C. AUSNESS**'s article, "The Disorderly Conduct of Words: Civil Liability for the Dissemination of False or Inaccurate

Information," is now in print in the South Carolina Law Review, Volume 65, pages 131–211. His article "The Supreme Court and the PPL Montana Case: Examining the Relationship Between Navigability and State Ownership of Submerged Lands" is now in print in the *Virginia Environmental Law Journal*. His article, "When Are Trust Protectors Fiduciaries," has been accepted for publication by the *Quinnipiac Probate Law Journal*.



**SCOTT R. BAURIES**, along with two co-authors, wrote an amicus brief that was filed with the U.S.

Supreme Court in *Lane v. Franks*. He was also awarded a \$4,000 grant from the University's eLearning Initiative Program to study and develop online and blended learning tools for legal education.



**DAVID A. BRENNEN** published "The Tax Law of Charities and Other Exempt Organizations: Cases, Materials, Questions and Activities," 3rd ed. (forthcoming LexisNexis 2014) (with Darryll K.

Jones, Beverly I. Moran, and Steven J. Willis). He was also named to the Lawyers of Color's Third Annual Power List, a catalog of the nation's most influential minority attorneys. He is the new co-chair elect of the AALS Section for the Law School Dean and began service as a member of the ABA Accreditation Committee and on the board of Access Group, Inc. (a law school loan advocacy nonprofit).



**MARIANNA JACKSON CLAY**, Visiting Professor, entered into partnership with Fayette County Public Schools' School for the Creative and

Performing Arts to provide actors and UK's Osher Lifelong Learning Institute to provide jurors and expert witnesses for her Civil Pretrial and Litigation Skills classes.



**STEPHEN CLOWNEY**'s article, "Landscape Fairness: Removing Discrimination from the Built Environment," has been published

in the *Utah Law Review*.



**MARY J. DAVIS** was invited to become one of the inaugural Academic Fellows of the Roscoe Pound Institute of Civil

Justice, a national legal "think tank" dedicated to ensuring access to justice. She completed work on Products Liability Law, a four volume treatise published by West Publishing in June 2014 and co-authored with Prof. David Owen. She was also involved in the organization of the Central Kentucky American Inn of Court on behalf of the College of Law. Professor Davis was appointed by the UK Provost in February 2014 to serve as co-chair of the Provost's Womens' Leadership and Career Development Task Force, dedicated to explore ways to enhance leadership and career opportunities for women faculty at UK.



**JAMES M. DONOVAN**'s article, "Order Matters: Typology of Dual-Degreed Law Librarians," has

been published in 33 Legal Reference Services Quarterly 1–37 (2014).



**JOSHUA A. DOUGLAS** published a new case book, *Election Law and Litigation: The Judicial Regulation of Politics*, that is now available for

pre-order on Amazon. He received a grant from the Proteus Fund, an advocacy foundation, which is sponsoring him to conduct research into state courts and voting rights.



**WILLIAM H. FORTUNE** received the Henry Duncan Award during Fayette County Bar Association's Law Day.



**CHRISTOPHER W. FROST** published *Postpetition Payments and the New Value Defense to Preference Liability*, 34 Bankr. L.

Letter No. 3, in March 2014 and *Section 105(a), Inherent Powers, and Surcharging Exempt Property: Law v. Siegel*, 34 Bankr. L. Letter No. 4, in April 2014. He was named a Fellow at the National Security Forum in Montgomery, Alabama in May 2014.



**BRIAN L. FRYE** participated in a public symposium at Indiana Tech Law School titled "On the Questions of Regulating Guns" and spoke on a panel titled "The Second Amendment: What it Requires and the Supreme Court's Interpretation." His paper, "Solving Charity Failures" was accepted for publication by the *Oregon Law Review*.

## University of Kentucky Law Professor Receives Fulbright



**JENNIFER BIRD-POLLAN**, Assistant Professor of Law, is a first-time recipient of a Fulbright Visiting Professorship, given by the Fulbright Scholar Program. She will travel to Austria in December for her Spring 2015 semester award.

A Fulbright award sends U.S. scholars to foreign countries for academic exchange. Currently, 155 countries participate in the Fulbright Scholar Program. Ultimately this program will help lead to a more peaceful, prosperous world.

Professor Bird-Pollan will be the Fulbright Visiting Professor at the Vienna University of Business and Economics (the Wirtschafts Universität, or the "WU") and will teach a course on U.S. Tax Law. Professor Bird-Pollan's appointment will allow her to participate in the Institute for International Tax Law and Policy, which is housed in the University. Since the WU offers both undergraduate and graduate degrees in law, she will have the opportunity to teach both

international undergraduates and graduates at the Institute. She will also attend a variety of conferences and symposia that the University hosts throughout the semester and really engage within the community.

"While I love my colleagues here at UK, I'm excited to spend a semester surrounded by tax scholars," says Professor Bird-Pollan. "I won't have to worry that I'm boring them with long discussions of complicated statutory provisions."

Professor Bird-Pollan also was elected to be a Fellow in the 2014 Institute of the New Leaders Council, Kentucky Chapter. The NLC was organized to train and promote progressive leaders throughout the nation. Her article, "Death, Taxes, and Property (Rights): Nozick, Libertarianism, and the Estate Tax," can be found in Volume 66 of the *Maine Law Review*.



### ALVIN GOLDMAN

Professor Emeritus, and co-author, submitted the latest update and revision of "Labour and

Employment Law in the United States" to the publisher.



### JANE BLOOM GRISÉ

was one of four individuals selected by the Legal Writing Institute and the Association of Legal

Writing Directors to receive a LWI/ALWD/LexisNexis Scholarship Grant. The grant topic is "Does Critical Reading Instruction Lead to Improved Legal Writing?" Over the next year, she will develop a course on critical reading instruction, conduct a study to examine the impact of critical reading instruction on legal writing performance, and write an article that sets forth the research findings.



### ROBERTA M. HARDING

published "Life and Death in Kentucky: Past, Present and Future," in the *Kentucky Law*

*Journal Online*. She gave the opening remarks at a luncheon for the Kentucky Bar Association's Second Annual Forum on Criminal Law Reform in the Commonwealth of Kentucky.



### LOUISE E. GRAHAM

spoke at the Family Law CLE Institute on the biannual update for family law in May 2014. She has been working on the 2014 update for *Kentucky Domestic Relations* and has been contributing to the KBA Committee on Dependency, Neglect and Abuse handbook.

# Faculty Notes



**KRISTIN J. HAZELWOOD** was appointed to the Legal Writing Institute's Bar Outreach Committee and her article, "Technology and Client Communications: Preparing Law Students and New Lawyers to Make Choices that Comply with the Ethical Duties of Confidentiality, Competence, and Communication," has been accepted for publication in the *Mississippi Law Journal*.



**MICHAEL P. HEALY** recently published, "The Past, Present and Future of Auer Deference: Mead, Form and Function in Judicial Review of Agency Interpretations of Regulations," 62 U. Kan. L. Rev. 633-93 (2014). Another administrative law article, "Means and Ends in *Arlington v. FCC*: Ignoring the Lawyer's Craft to Reshape the Scope of Chevron Deference," will be published later this year in the *University of Pittsburgh Law Review*.



**MELISSA N. HENKE** was appointed to the Leadership and Development Committee of the Association of Legal Writing Directors.



**NICOLE HUBERFELD** presented "Dynamic Implementation After NFIB" at the Loyola Chicago Constitutional Law Colloquium and "Where There's a Right, There Must be a Remedy (Even in Medicaid)," at the Florida State University School of Law faculty speaker series. She was quoted in a National Public Radio *All Things Considered* piece on the Pennsylvania Governor's plan to expand Medicaid.



**DIANE B. KRAFT** presented her paper, "CREAC in the Real World," at the Southeast Regional Legal Writing Conference in April.



**CORTNEY E. LOLLAR** published an article in the January 2014 edition of the Kentucky Bar Association's *Bench & Bar* magazine titled "Kentucky Criminal Law Experts Call for Reform" covering the Second Annual Forum on Criminal Law in Kentucky, where she served as moderator. Her article, "What Is Criminal Restitution?" was accepted for publication by the *Iowa Law Review*.



**KATHRYN L. MOORE** was inducted as a Fellow of the American College of Employee Benefits Counsel in November, at the Counsel's Annual Meeting. She presented a paper, "The Employer Mandate Under the Affordable Care Act: Emerging Issues at the Third Annual ERISA, Employee Benefits, and Social Insurance National Conference," at Marquette Law School.



**MELYNDA J. PRICE** received a book contract with Oxford University Press.



**FRANKLIN RUNGE** made two presentations at the Southeastern Chapter of the American Association of Law Libraries' Annual Conference in Knoxville, Tennessee, titled "New Frontiers in Legal Research Education: Implementing Alternative Methods of Legal Research Instruction—One Year Later" and "Art in the Legal Research Classroom: How Markers and Tupac can Make an Impact."



**PAUL E. SALAMANCA** presented "Citizens United: If Corporations Lack Souls, Why Does 'Corporate Greed' Yield 417,000 Google Hits?" at a luncheon meeting of the Federalist Society Louisville Lawyers' Chapter.



**COLLIN D. SCHUELER** signed a publication agreement for "A Framework for Judicial Review and Remand in Immigration Law," 92 Denv. U. L. Rev. (forthcoming 2014).



**ROBERT G. SCHWEMM** has written a chapter, "The Limits of Litigation in Fulfilling the Fair Housing Act's Promise of Nondiscriminatory Home Loans," in the book, *From Foreclosure to Fair Lending: Advocacy, Organizing, Occupy, and the Pursuit of Equitable Credit* (New Village Press, 2013).

**BEAU STEENKEN**

was named a 2014 American Association of Law Libraries Leadership Fellow.



**WILLIAM THRO** received the William A. Kaplin Award for Excellence in Higher Education from Stetson University College of Law.



**RICHARD H. UNDERWOOD** published a commentary, "Ringers Revisited," in Volume 35 of the *American Journal of Trial Advocacy*. He has been serving on the ABA Standing Committee on Professional Responsibility and did an Ethics Update for the Fayette County Bar Association in June.



**RYAN A. VALENTÍN**'s article, *Milk and Other Intoxicating Choices: Official State Symbol Adoption*, was published in the Northern Kentucky Law Review.



**SARAH WELLING** presented drafts of pattern jury instructions on Sex Trafficking and Health Care Fraud at a meeting of the Sixth Circuit Pattern Criminal Jury Instruction Committee in Cincinnati in April 2014.



**RICHARD A. WESTIN** and coauthor, Professor Manuel Lima Castillo, have completed the second edition of their Spanish language book on comparative taxation of investments in the US and Mexico.

## College of Law Professor **SUCCESSFUL IN PRO BONO REPRESENTATION**

Melissa N. Henke, Director of the Legal Research and Writing Program, and Assistant Professor of Legal Research and Writing, has won an appeal for a pro bono case on behalf of appellant Jose Ramirez.

Ramirez, an inmate in a Kentucky prison who was pursuing his case *pro se*, was found guilty in a prison disciplinary hearing of being involved in a physical action against another inmate. Ramirez was, in fact, asleep in his dorm at the time of the assault. The victim inmate was willing to testify that Ramirez was not involved in the assault and prison surveillance video would have proven he was not involved in the physical altercation. However, the prison administrative officer refused Ramirez's requests to allow testimony from the victim witness and to have the administrative officer review the surveillance video. Instead, the officer found Ramirez guilty and assessed a penalty of 180 days in solitary confinement, loss of two years of good-time credit, and \$556.17 in restitution. Ramirez appealed his finding of guilt and related penalties to the Kentucky courts. After losing at the trial court and the intermediate court of appeals, Ramirez appealed to the Kentucky Supreme Court, at which time Professor Henke was appointed to serve as counsel for Ramirez.

Professor Henke won the appeal on Ramirez's behalf. The Kentucky Supreme Court issued a unanimous opinion that reversed the lower court opinion and found that Ramirez's due process rights were violated by the Kentucky Department of Corrections administrative officer in connection with the disciplinary proceeding.

"It is not only a favorable opinion for my client, but also an important one for all Kentucky prisoners going forward," says Professor Henke.

But, that's not all—the Kentucky Supreme Court went further in making the following important rulings in the opinion. First, the Court held that if an inmate challenges the denial of his request to call a particular witness at a disciplinary hearing, the officer "must provide for the record on review, the [officer's] reason for denying the witness." Second, the Court held that an administrative officer "must review surveillance footage, or similar documentary evidence, if requested by the prisoner in a disciplinary proceeding." The opinion was published, which means it is precedent in future disciplinary proceedings.



# 4<sup>th</sup> UK College of Law Golf Tournament

Presented by LexisNexis

The College of Law hosted its fourth annual golf tournament, presented by LexisNexis on Monday, May 19, at Champion Trace Golf Club. Picture perfect weather and 16 teams of UK Law alumni, faculty, students (a record number with twelve playing) and friends made for a great day of friendly competition.

This year's tournament resulted in the largest profit to date, netting over \$13,000 to benefit students at the law school. Since starting the tournament in 2011, the College of Law has raised over \$50,000 to support student scholarships and place students in public interest opportunities.

LexisNexis was the presenting sponsor of the tournament making them the first title sponsor since the tournament's kickoff in 2011. Thank you to our sponsors and those companies and individuals that made monetary or in kind donations.

We are already making plans for next year's event—be on the lookout for details. You've got some time to get out the clubs and start practicing!

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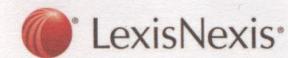
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#BeUnprecedented



## 2000s

**KEATON H. OSBORNE** (2013) has joined Bradley Arant Boult Cummings LLP as an associate in the Intellectual Property Practice Group.



**HAMID H. SHEIKH, JR.** (2013) has joined Wyatt, Tarrant & Combs, as a member of the firm's Real Estate and Lending Service Team.



**TIMOTHY D. THOMPSON** (2011) has joined the Business Litigation Service Group at Stites & Harbison.

Prior to joining the firm, he served for two years as a law clerk for the Honorable Gregory F. Van Tatenhove, U.S. District Judge for the Eastern District of Kentucky.

**NATHAN VINSON** (2009) joined English, Lucas, Priest & Owsley, LLP, in Bowling Green, Ky., as an associate with the firm.

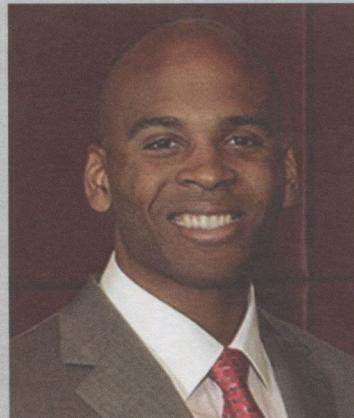


**ANTHONY BURBA** (2008), an attorney in Barnes & Thornburg LLP's Washington D.C. office, was recognized as a *Washington D.C.*

*Rising Star 2014*, a listing that appears in the Washington D.C.'s *Super Lawyers* magazine.



**MATTHEW J. KOCH** (2008) has joined the Lexington office of McBrayer, McGinnis, Leslie & Kirkland as an Associate in the corporate practice group. Mr. Koch is also a CPA, with extensive experience in tax and finance law.



## 2013

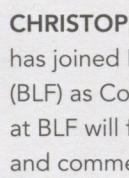
**OTIS W. GRIGSBY** has joined the Cincinnati office of Taft Stettinius & Hollister. He is a member of the Intellectual Property Practice Group. Mr. Grigsby has been a volunteer with Give Back Cincinnati, the Garth Brooks and Troy Aikman Teammates for Kids Foundation, Whiz Kids tutor at Crossroads Oakley, and an "Offensive Coordinator" for the "Touchdown for Hope" 2014 Super Bowl XLVIII event at Great American Ballpark.



**DANIEL W. WAXMAN** (2008) has been elected to join the partnership of Wyatt, Tarrant & Combs. He concentrates his practice in the areas of bankruptcy law, corporate reorganization and chapter 11 issues representing both creditors and debtors. He also advises clients regarding equine and gaming law.



**STEVEN RICHARDSON** (2006) has accepted a position as a reference librarian and assistant professor of law with Indiana Tech Law School in Fort Wayne, In.



**CHRISTOPHER L. THACKER** (2006) has joined Billings Law Firm, PLLC (BLF) as Counsel. His practice at BLF will focus on business and commercial litigation.



**JOHN AGNEW** (2005) was sworn in as President of the Lee County (Fla.) Bar Association at their annual meeting in November. He is an attorney in Henderson, Franklin, Starnes & Holt's Commercial Litigation division.



**MARY BETH STEVENSON** (2005) has joined Strauss Troy in Cincinnati. She focuses her work on real estate closings, title insurance, escrow services, title insurance defense, contract negotiations and general litigation.



**JUSTIN W. ROSS** (2008) has been elected to join the partnership of Wyatt, Tarrant & Combs. Mr. Ross concentrates his practice in the area of commercial litigation, with an emphasis in the natural resource and energy sectors. He litigates coal supply agreement disputes before courts and arbitration panels across the country, where his experience navigating the Uniform Commercial Code is an invaluable asset.



**SARA C. VEENEMAN**  
(2005), an attorney at Wyatt, Tarrant & Combs, has been elected by the Louisville Bar Association (LBA) as the 2014

Appellate Section Vice Chair. The LBA's sections offer professional development and interaction for lawyers practicing the same areas of law. Ms. Veeneman is a member of the firm's Litigation and Dispute Resolution Service Team, and focuses on complex commercial litigation and appellate law.



## 2005

**JENNIFER L. BRINKLEY** has joined the Martin Management Group in Bowling Green as Manager of Human Resource Administration. She is responsible for administration of employee benefit programs and provides guidance on employment related issues. She is also responsible for the organization's compliance with labor rules and regulations across six states. Brinkley has also recently published a book titled *Clinging Tightly: The Life of a Second Wife, Stepmom, Adoptive Mom, and Lawyer*.

**MATTHEW D. ELLISON** (2004) has become a member of Fowler Bell PLLC. He joined the firm's Litigation, Bankruptcy and Creditor's Rights Groups in 2005.



**ANDREW BALLARD** (2003) has joined Anspach Meeks Ellenberger LLP as a partner in its Huntington, W. Va., office. Ballard's practice focuses on civil defense litigation in West Virginia and Ohio.



**HEATHER PACK HOWELL** (2003) has joined Fogle Keller Purdy as director of the Wills, Trusts and Probate Group. Howell's practice will focus on estate planning, probate and estate litigation. Howell also practices in the areas of insurance defense and civil litigation.

**ALLISON E. JONES** (2000) has been appointed to the Kentucky Court of Appeals by Governor Steve Beshear. Jones, who was sworn in July 12, had been serving as an administrative law judge, presiding over workers' compensation claims. She will serve the 6th Appellate District, Division 1, which covers 21 counties in Northern Kentucky.

**MARCUS L. VANOVER** (2000) was sworn in as Family Court judge for Lincoln, Pulaski, and Rockcastle counties in September. Kentucky Chief Justice John D. Minton, Jr. administered the oath of office. Judge Vanover was appointed by Governor Steve Beshear to fill the spot left by Judge Walt Maguire's retirement in June.



## 1997

**AMY D. CUBBAGE**, Of Counsel at McBrayer, McGinnis, Leslie & Kirkland, began her term of service among the Kentucky Bar Association's Board of Governors on July 1. She practices litigation in the areas of complex tort and commercial litigation, including class actions, toxic torts and mass torts. She also litigates and counsels clients in the area of general constitutional and governmental law.

## 1990s

**ERIC M. CASE** (1999) has joined Fowler Bell PLLC. He will be Of Counsel in the firm's Real Estate and Commercial Litigation Groups.



**JOSHUA R. DENTON** (1999) joined Gullett Sanford Robinson & Martin PLLC as a member, and will practice mainly in the firm's Litigation section.



**CLIFFORD H. ASHURNER** (1998), Land Use & Zoning Law at Wyatt, Tarrant & Combs LLP, is among *Louisville Magazine's* list of "Top Lawyers" for 2014.

**DANIEL P. MURPHY, JR.** (1998), Assistant Dean of Administration and Community Engagement at UK College of Law, served as the 2013 Board Chair for Commerce Lexington, Inc. (Greater Lexington Chamber of Commerce).

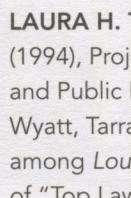


**ALEX L. SCUTCHFIELD** (1997) has joined Wyatt, Tarrant & Combs, LLP as a member of the firm's Litigation and Dispute Resolution Service Team.

**C. TYSON GORMAN** (1996), Labor & Employment Law at Wyatt, Tarrant & Combs LLP, is among *Louisville Magazine's* list of "Top Lawyers" for 2014.

**KELLEY M. GOES** (1995) became a member of Jackson Kelly's Charleston, W.Va. firm, practicing in their Environmental Practice Group.

**STEVEN B. LOY** (1994), a member of Stoll Keenon Ogden PLLC's Lexington office, argued a case before the U.S. Supreme Court on behalf of Lexmark International, Inc.



**LAURA H. THEILMANN** (1994), Project Finance Law and Public Finance Law at Wyatt, Tarrant & Combs LLP, is among *Louisville Magazine's* list of "Top Lawyers" for 2014.

In July, **CHRIS EHRMAN** (1993) was appointed the new director of the Whistleblower Office at the Commodity Futures Trading Commission in Washington, DC.



**BARBARA WEBB MENEFEE** (1992), Immigration Law at Wyatt, Tarrant & Combs LLP, is among *Louisville Magazine's* list of "Top Lawyers" for 2014.



**FRANKLIN K. JELLSMA** (1991), Business Commercial Law, Corporate Law, Mergers & Acquisitions Law and Venture

Capital Law at Wyatt, Tarrant & Combs LLP, is among *Louisville Magazine's* list of "Top Lawyers" for 2014.



## 1983

**ROBERT F. DUNCAN** has recently been elected to serve on Jackson Kelly's Executive Committee. He is the Managing Member of the firm's Lexington office and the Assistant Leader of the firm's Industrial, Environmental and Complex Litigation Practice Group.

## 1980s



### LUKE MORGAN

(1989) has been named a member of McBrayer, McGinnis, Leslie & Kirkland, in Lexington.

Mr. Morgan focuses his practice on litigation, with particular emphasis on administrative law, commercial and civil rights litigation, criminal law, and gaming law.

**JUNE ADAMS** (1988) is the Chief Ethics Counsel and Privacy Officer at ADT Security Services in Boca Raton, FL, and serves on the Advisory Board of The Lares Institute.

**BARRY M. MILLER** (1988) has been chosen for the 2013–2014 Kentucky Super Lawyers List for Insurance Coverage, State, Local & Municipal and Appellate.



### ASHLEY RUSHER

(1987) was selected by *The Business Journal* as a recipient of the 2014 *Women in Business* Award. Ashley

is a Shareholder, Chair of the Bankruptcy Practice Group and member of Blanco Tackaberry's Management Committee.

**JEANIE OWEN MILLER** (1984) was appointed by Governor Steven L. Beshear to a second term as an Administrative Law Judge in the Department of Workers' Claims.



### LISA E. UNDERWOOD

(1984), a partner in Wyatt, Tarrant & Combs LLP's Lexington office, has been elected to a three-year term on the Commerce Lexington Board of Directors.



## 1972

**DAVID PORTER** (1972) was elected chair of Western Kentucky University's Board of Regents. Porter has been a member of WKU's Board of Regents since he was appointed by Governor Steve Beshear in 2008. He is an attorney at Stites & Harbison where he is chair of the firm's Trust and Estate Planning Service Group and is an adjunct member of the Business & Finance Service Group.

**DOUGLAS MCSWAIN** (1983), a partner at Wyatt, Tarrant & Combs LLP, was honored for 27 years of service as founder and longstanding Chair of Kentucky's Joint Local Rules Commission.



**ELIZABETH MCCORD** (1981) has joined Gerner & Kearns, Co., L.P.A. She brings experience to the firm's Litigation Practice Group as Counsel to the firm.

**JOHN E. HINKEL, JR.** (1980) has been chosen for the 2013–2014 Kentucky Super Lawyers List for Alternative Dispute Resolution and Creditor-Debtor Rights.

## 1970s



**RAY STEWART** (1978) has joined the Management Committee at Thompson Coburn in Washington, D.C.

Stewart's practice focuses on corporate and securities, government contracts and tax issues.



**ROBERT J. BROWN** (1977), Bankruptcy Law at Wyatt, Tarrant & Combs LLP, is among *Louisville Magazine*'s list of "Top Lawyers" for 2014.

**PIERCE W. HAMBLIN** (1977), of Landrum & Shouse LLP, has been elected as the President of the Fayette County Bar Association for 2014–2015.

**GUY R. COLSON** (1974), of Fowler Bell PLLC, has been chosen for the 2013–2014 Kentucky Super Lawyers List for Insurance Law, Personal Injury Litigation and Product Liability Litigation.

**TAFT A. MCKINSTRY** (1972), of Fowler Bell PLLC, has been selected for the 2014 Super Lawyers Kentucky Top 25 Women List and the 2013–2014 Kentucky Super Lawyers List.



**ASA P. "PETE" GULLETT, III** (1971) has been awarded the American Bar Association's John "Jack" Keegan Award in recognition of his distinguished efforts in support of Kentucky's recovery program for lawyers.



**WILLIAM T. "BILL" ROBINSON III** (1971), of Frost Brown Todd, Cincinnati, received the National Center for State Courts' Distinguished Service Award, one of the organization's highest awards.



**K. GREGORY HAYNES** (1970), Bet-the-Company Litigation, Business Litigation and General Litigation at Wyatt, Tarrant & Combs LLP, is among *Louisville Magazine*'s list of "Top Lawyers" for 2014.

## 1960s



**JERRY J. COX** (1968) was sworn in on Saturday, July 27, as president of the National Association of Criminal Defense Lawyers (NACDL) at its 56th Annual Meeting in San Francisco, California.

**KENDALL ROBINSON** (1968) of Booneville, Kentucky retired on December 31, 2013, after a legal career of forty-five years.

## Justice James E. Keller

1942–2014 | Class of 1965

On June 2, 2014, the Commonwealth of Kentucky lost a preeminent jurist. Justice Keller attended Eastern Kentucky University and accepted early admission into the UK College of Law. He married Elizabeth ("Beth") Morehead in June of 1962. They had two daughters, Denise and Regina and were blessed with two grandchildren, Tighe and Scarlet Harrod. On December 21, 1965, Justice Keller received his *Juris Doctor* degree from the University of Kentucky College of Law. Forty years later, in 2005, the law school inducted him into its Hall of Fame.

In 1969, he was appointed Master Commissioner and Receiver of Fayette County, a position he kept until 1976 when he became Judge of the First Division of the Fayette Circuit Court. Although Circuit Judges of his day tried all kinds of cases, Justice Keller focused especially on family law. He knew family law impacted the most people, and there he saw the opportunity to lend a hand to those most in need of one. In Fayette County, he established the Parents Education Clinic and Kids' Time. Justice Keller also developed domestic violence protocols for Fayette County. What he invented and tested in Fayette County frequently became the standard throughout the Commonwealth later. He worked in the late 1980's to establish the Commission on Child Support Guidelines. He served as President of the Circuit Judges Association; as a member of the Gubernatorial Task Force on the Delivery and Funding of Quality Public Defendant Services; and as Chairman of the Chief Justice's Task Force on Mental Health Proceedings. In 1999, he was appointed Associate Justice of the Kentucky Supreme Court.

As much as Justice Keller loved the law, he loved people more. Justice Keller was not a solitary man; he was a man of community. His community was expansive. It was not limited to judges and lawyers, but extended to staff, litigants, law enforcement, former criminal defendants, and regular folks off the street who had met him somewhere. He was not an elitist. Justice James E. Keller was a big man with a big personality, a big intellect, and a big loving heart. He had a strong character and firmly held convictions. He was a superior person.

As told by his co-worker, Natalie S. Wilson

Mr. Henry E. Davis, Esq., 1989  
Mr. Darryl R. Callahan, 1974  
Mr. Fred S. Bachmeyer, 1973  
Mr. Ronald G. Combs, 1973  
Mr. John W. Oakley, 1973  
Justice Wil Schroder, 1970  
Mr. William H. Sewell II, 1970  
Dean Kathleen F. Brickey, 1968

Mr. Robert E. Rawlins, 1968  
Mr. Thomas L. Duke, 1967  
Mr. Donald W. Webb, 1967  
The Honorable Karl S. Forester, 1966  
Mr. David C. Short, 1966  
Mr. William R. Forester, 1959  
Mr. Hugh D. Moore, 1958  
Mr. Arthur E. Abshire, 1957

## Justice Wil Schroder

1946–2014 | Class of 1970

For the entirety of Justice Wil Schroder's service on the Kentucky Supreme Court, he sat by my right side on the bench. In the venerable courtroom in the state capitol where the Supreme Court hears cases, we listened to arguments about what it means to be a parent, the effect of changes in corporate tax laws, the weight of statements made to police at various times and many other issues that are at the heart of Kentucky law. Justice Schroder had a keen understanding that the decisions the Court made were more than words on paper; those decisions have a direct impact on the lives of our citizens. Being fair and doing the right thing was the mantra of Wil Schroder. He had a soft heart for the plight of abused children, and the intricacies faced by immigrants wanting to become a citizen of this country. Whatever he wrote was stated with simple clarity that often disguised a very complex issue, because it was Wil's gift to be able to find a firm and clear position that he was willing to strongly defend. When he believed he was right, he was willing to stand until the firmament fell.

Justice Schroder loved property law, and wrote many of the cases involving property law during his tenure. In short, he was our first resort when questions of property law arose. He also chaired the Evidence Rules Committee, and had a strong interest in making sure the rules on admissibility of evidence provided a level playing field to all the parties to an action.

On a personal level, Wil Schroder was simply a great person and friend. He had a strong sense of humor, was slow to judge the daily actions of others, and was always willing to discuss a complicated issue or to assist in research. He liked teaching classes at Chase Law School, and supporting programs for minority students, such as the KLEO Scholars program. He faithfully served on the UK College of Law's Alumni Association Board. He enjoyed his grandchildren, and was proud of his family. His work ethic was inspiring. In short, he was well-rounded and a large presence. We lost a man who brought a lot to the Court far too soon.

As told by his co-worker, Justice Mary C. Noble

Mr. William B. Byrd, 1951  
Mr. Samuel Smith, 1951  
The Honorable Thomas B. Spain, Jr., 1951  
The Honorable Edward H. Johnstone, 1949  
Mr. Harry B. Miller, Jr., 1948  
Mr. William L. Sullivan, 1948  
Mr. Jennings H. Kearby, 1947  
Mr. Larry Sherman, 1941

# HOMECOMING & ALUMNI RECEPTIONS



## SAVE THE DATE!

**SATURDAY, OCTOBER 25, 2014**  
Homecoming Tent Party  
Commonwealth Stadium  
Lexington, KY

**TUESDAY, NOVEMBER 18, 2014**  
Champions Classic Alumni Reception  
Omni Severin Hotel  
Indianapolis, IN



No distance of place or  
lapse of time can lessen  
the friendship of those who  
are thoroughly persuaded  
of each other's worth.  
» Robert Southey



# LEGACY OF INCLUSION

Class of 2010 Graduate Fosters Diversity within Law Profession

By Robin Roenker



**M**ark Flores started his career as a sports broadcaster. "I wanted to be the next Bob Costas," said the Texas native, who received his undergraduate degree in journalism from the University of Texas at Austin in 1999. After several years of reporting in Texas and New Mexico, Flores switched to "hard news," eventually landing, with his wife, Mary, at Louisville's WLKY-TV as the station's Capital Bureau reporter in Frankfort.

It was during his three years of reporting from Frankfort that Flores was first introduced to the courtroom.

"I had an opportunity to observe quite a bit of court," said Flores, a senior associate specializing in business litigation and media and First Amendment law with Lexington's Frost Brown Todd law firm. "It was a very active time in Frankfort. When I arrived, teachers were threatening to go on strike, and I left right at the conclusion of the investigation into the Fletcher administration," he said.

The long days in the courtroom sparked Flores's interest in law, and he decided, in summer 2007—after receiving a scholarship offer from UK's College of Law—to take the leap into a new career as an attorney.

"It was a big turning point for our family," said Flores, who at that time had just become a new father, with an eight-month-old son at home. "I was doing well as a journalist. Things were falling into place there. So I had to make the decision to continue on in a career that I wasn't bad at, or try something new, and see if this worked out, and thankfully, it has."

Flores—now a father of two—is quick to give credit to his wife, Mary, for supporting him during his law school tenure. "There were a lot of Sundays when I was stuck working in the law library, and she was home taking care

of the baby," he said. "Without her support, I would never have been able to have such a successful career at UK and then translate that into my current career in law," he said.

For his part, Flores worked to make the most of his three years at UK. "I decided to approach law school like a job," he said. "I knew there was a lot riding on this. I wanted to look back and feel like I had done the best that I could."

At UK, Flores served as the *Kentucky Law Journal's* managing editor and was part of the college's National First Amendment Moot Court Team. He founded the still-active University of Kentucky Latino(a) Law Students Association and graduated in the top third of his class.

After UK, Flores accepted a coveted clerkship with Federal District Judge Joseph M. Hood, whom he still looks to now as a trusted mentor and friend. He joined Frost Brown Todd in 2011, where he deals with cases involving business litigation as well as media, open records, and First Amendment issues—a natural fit, given his former work as a broadcaster.

"As a journalist, there's always a part of you that wants to be helpful, to make a difference. And there's still that drive in me. Now, as an attorney, my role has switched from presenting the facts to making sure the facts are available, and I have enjoyed that very much," Flores said. (Flores has participated in the representation of various media outlets including CNN and the Associated Press in successfully opposing a motion to close the Steubenville, Ohio rape case and in obtaining records about a school shooting in Chadron, Ohio, for example.)

Being able to "make a difference" and be rooted in a community is another of the benefits Flores has found from his law career, as opposed to the transitory nature of broadcast journalism, where he found himself moving from station to station every few years.

Since making Lexington home, both Mark and his wife, Mary, have become actively involved in the PTA at Rosa Parks Elementary School, where Mark is currently chairing a \$50,000 fundraising campaign to install a new, handicapped-accessible playground that students of all mobility levels can enjoy.

# ATTENTION ALUMNI!

Professionally, in addition to his varied litigation work—on issues as diverse as white collar crime, mortgage and bankruptcy disputes, and breach of contract—Flores is also extremely well-versed on the changing legal landscape relating to liability and social media content, having presented a CLE course on Social Media and Online Defamation to a statewide audience last year. Last fall, he co-authored an amicus brief on behalf of the ACLU relating to the Communications Decency Act, arguing that it protected the gossip website [thedirty.com](http://thedirty.com) from liability for the third-party comments of its users.

As fierce as Flores is about representing clients well, he is equally passionate about—and constantly aware of—his role in helping break down barriers to encourage more attorneys of diverse color, sexual orientation, and socioeconomic status within the profession.

"One of the things I've always kept in mind is my duty as a Hispanic—as a Mexican-American—to make sure and leave a legacy that is easy to follow for those who come behind me," said Flores, who attributes his success to the path his own parents and grandparents paved for him and his sister, who are among the first in their family to achieve postgraduate degrees.

Flores was recently appointed to chair a committee that will put together a first-ever diversity and inclusion summit for the KBA, to be held next spring in Louisville. He is also an active member of the KBA's and ABA's Young Lawyers Divisions, where he works to support and network with other young attorneys, especially those from minority backgrounds.

"At the end of the day, it all comes down to pipeline issues," said Flores. "We can talk all day long about how the profession needs more attorneys of color or that we need more LGBT attorneys and so on, but the real problem is that these students aren't necessarily being cultivated at a young age."

While there's much work ahead on this front, Flores knows the end result will be worth the effort. "One day, I believe we'll be able to look at the bar, and look at firms across the country, and we will be able to say, 'We've made a difference.' For blacks, for Mexican-Americans, for all different types. We want everyone to have an equal say and an equal share of the success. I'm hopeful. I think it's possible."

## JOB POSTINGS & RÉSUMÉ COLLECTIONS

The University of Kentucky College of Law Career Development Office can assist you with your full-time, part-time, permanent, or summer hiring needs. We help you locate qualified students and attorneys by posting positions on our password-protected website. You specify what materials you would like for the applicants to send, such as resumes, cover letters, etc. The applicants then mail or email this information directly to you by the application deadline for the position. If it is easier for you, we will collect student application materials for you and email the information to you all at one time.

## ON-CAMPUS JOB INTERVIEWS

If you would like to interview students on campus, the Career Development Office can organize this for you. Employers select which students to interview; no students will be randomly assigned to you through a lottery or other system. Employers specify the application materials they would like to receive.

## ALUMNI NETWORK

If you are interested in speaking on campus at a career seminar or serving as an UK alumni contact for law students interested in your geographic area, practice area, and/or area of interest, please contact a Career Development Office employee by email or phone.

## UK COLLEGE OF LAW CAREER DEVELOPMENT WEBSITE

To sign up for a campus interview, post a job, or view other services offered by the Career Development Office, please visit the Careers tab on the law school website, [www.law.uky.edu](http://www.law.uky.edu), and go to the For Employers area, or contact one of us by email or phone:

### **Susan Bybee Steele**

Associate Dean of Career Development  
[ssteele@email.uky.edu](mailto:ssteele@email.uky.edu); (859) 257-8320

### **Amy Collier Eason**

Director of Career Development  
[amy.eason@uky.edu](mailto:amy.eason@uky.edu); (859) 257-1138

### **Joan A. Yocom**

Student Affairs Officer  
[jyocom@email.uky.edu](mailto:jyocom@email.uky.edu); (859) 257-8959

Thank you in advance for your continued support of our students and alumni!

# Alumni Hall of Fame



## ALBERT B. CHANDLER III 1986

Albert B. ("Ben") Chandler is a graduate of the Class of 1986, which was affectionately termed the "Golden Class" by Dean Paul Van Booven. Ben is a native of Versailles, Kentucky, and is the Grandson of Hall of Fame inductee, Albert B. "Happy" Chandler. He was named KBA "Young Lawyer of the Year" in 1993.

Ben served the Commonwealth as Auditor of Public Accounts. He transformed that office beyond its traditional role to a "watchdog" with teeth that actively investigated public corruption, resulting in the recovery of \$33 million in misappropriated funds and over 30 referrals to law enforcement.

In 1995, Ben became the nation's youngest Attorney General. His tenure was noteworthy for him doing his job regardless of the political impact. His achievements included Foundation for A Healthy Kentucky, created from a \$45 million settlement with Anthem Insurance; a \$2 billion fund for farmers as part of the \$300 billion national settlement with the cigarette companies; making all Commonwealth's Attorneys fulltime prosecutors; reformation of DUI laws and the Criminal Code; and consumer protection initiatives like the "No Call List."

Ben served the Commonwealth and the nation as Congressman for the Sixth District from 2004–2012. He served on the powerful House Appropriations Committee. He also served on the House Ethics and Science Committees and as Congressional liaison to the European Parliament. His most distinguished appointment was to the House Intelligence Committee which provides oversight of the Nation's intelligence operations.



## W. DAVID DENTON 1969

W. David ("Dave") Denton is a 1969 graduate of the UK College of Law. A native of Somerset, Kentucky, he moved to Paducah upon graduating law school. In Paducah, he quickly made a name for himself not only as a premier attorney, but also as a business and civic leader. In 1979, he founded the law firm of Denton & Keuler

which, through his leadership, has grown to be one of the largest and most diverse law firms in the western Kentucky region.

Dave's business and civic accomplishments are noteworthy. He was the attorney and an organizing investor for the formation of Paducah Bank Shares, Inc., a holding company that owns

and controls Paducah Bank & Trust Company. He has been involved as an investor, organizer, and motivating force behind numerous real estate development projects and other highly successful business ventures during his career. He has served as the past chair of the Paducah-McCracken County Chamber of Commerce and the Greater Paducah Economic Development Council, where he has been highly influential in economic development throughout the western Kentucky region. He is a former member of the Kentucky Council of Higher Education and is currently the Chair of the Commonwealth of Kentucky's Executive Branch Ethics Commission. He was the long term Chair of the Paducah-McCracken Public Library Board of Trustees.

Having a passion for education, he successfully chaired a fundraising campaign which raised more than \$8.4 million—entirely through private donations in Paducah—for the construction of the University of Kentucky College of Engineering on the Paducah campus of West Kentucky Community and Technical College.



## WILLIAM R. GARMER 1975

William ("Bill") R. Garmer has spent more than 35 years as a practicing trial attorney, becoming one of the most respected members of the Kentucky plaintiffs' bar.

Bill holds a Bachelor of Arts from the University of Kentucky. Before law school, Bill served on Active Duty in the United States Air Force as a Staff Sergeant from 1969 to 1973. After law school, he worked for two years as a law clerk to Hon. B.T. Moynahan, Jr., Chief Judge of the United States District Court for the Eastern District of Kentucky.

Among Bill's accomplishments during his many years of courtroom and appellate practice, several of his cases have led to groundbreaking decisions establishing Kentucky law. In *Hilen v. Hays*, as the plaintiff's attorney, Bill earned a decision for his client before the Kentucky Supreme Court that led to the adoption of comparative fault in Kentucky. Additionally, as the plaintiff's attorney in *Williams v. St. Claire Medical Center*, Bill's successful argument in the Kentucky Court of Appeals led to the decision recognizing both the doctrine of apparent agency of independent contractors in hospital cases and the independent liability of a hospital for violations of that hospital's rules and regulations.

In addition to his professional honors and awards, Bill has donated thousands of hours of his time to the UK College of Law over the years as an alumni board member, an adjunct professor in litigation skills and healthcare law, a Visiting Committee member, and a guest lecturer.

# 2014

## DEAN'S CIRCLE FIRMS

Each year the UK Law Alumni Association recognizes those firms whose College of Law graduates have generously given back to their alma mater. We are pleased to recognize the following firms as Dean's Circle participants.

### DEAN'S CIRCLE | PLATINUM (100% Participation)

**BELL, ORR, AYERS & MOORE PSC**  
Bowling Green

**BOWLES RICE LLP**  
Lexington

**BRADLEY ARANT BOULT CUMMINGS LLP**  
Nashville

**DELCOTTO LAW GROUP PLLC**  
Lexington

**DENTON & KEULER LLP**  
Paducah

**DINSMORE & SHOHL LLP**  
Louisville

**ENGLISH, LUCAS, PRIEST & OWSLEY, LLP**  
Bowling Green

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# 2014

## ALUMNI AWARDS

### COMMUNITY SERVICE AWARD

Given to a graduate who has provided outstanding leadership in his or her local community, state or nation, to aid and benefit causes not necessarily related to the legal profession.

**Angela Logan Edwards 1994**  
**Thomas Ruden Post 1970**

### DISTINGUISHED JURIST

For outstanding service to the legal profession, bringing honor to the profession and encouraging creative ways to deal with specific identified issues in the administration of justice.

**Karl Spillman Forester 1966 \***

**Wil Schroder 1970 \***

### LEGACY AWARD

Bestowed upon an individual who graduated 50 or more years ago, who has demonstrated exceptional leadership in his or her profession and/or community, and who has made a positive impact on the well-being of the College of Law, the Commonwealth of Kentucky, or elsewhere in the nation.

**Albert Jones 1957**

### PROFESSIONAL ACHIEVEMENT

Designed to recognize a particularly noteworthy accomplishment or sustained excellence in a particular area of law or other chosen profession.

**Kenneth R. Taylor 1979**

### YOUNG PROFESSIONAL AWARD

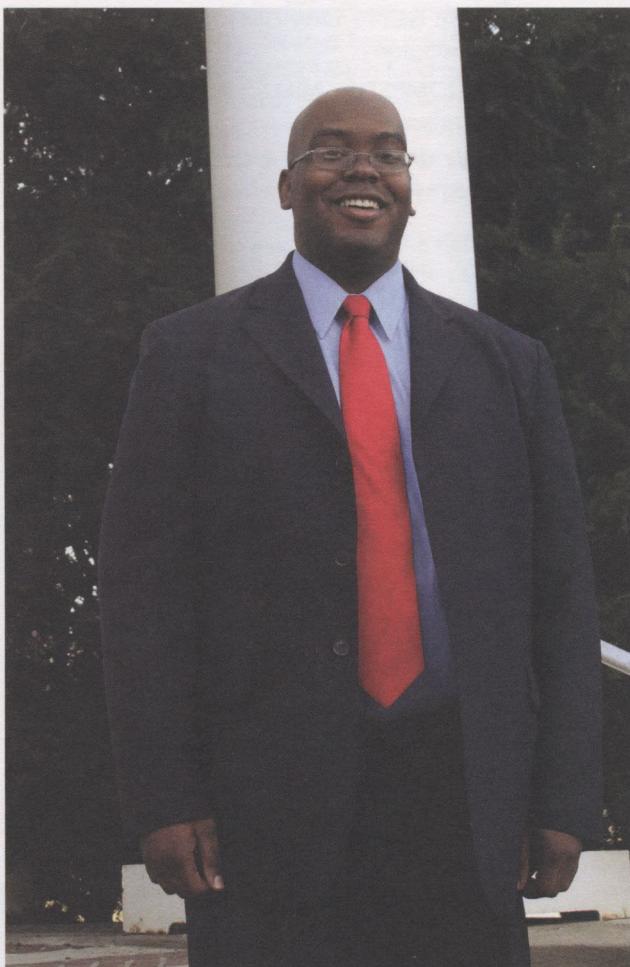
Designed for individuals who graduated within the past 10 years and have distinguished themselves professionally.

**Jennifer Lee Ann Brinkley 2005**

\* Honored Posthumously

# FUTURE ALUM

## Carl Williams Class of 2015



### **Tell us about your background.**

I grew up in Lexington, Kentucky, and attended college at the University of Louisville, where I graduated with a B.S. in Political Science in 2009. After graduation, I was awarded a Fulbright fellowship that took me to Taiwan to teach. My fellowship experience made me a stronger person overall and I made the decision to stay another year in Taiwan to teach at a private school. After my time in Taiwan, I came back to my hometown to work at the Lexington Public Library. Shortly after, I started to think about graduate school—which has led to where I am now: to almost the end of my law school journey, but the beginning of my law career.

### **When did you first become interested in law school?**

I became interested in law school after taking a constitutional history class with Dr. Thomas Mackey at the University of Louisville. He made me think about our society and how our law is shaped. After that, I did more research and figured out law school was in my future.

### **What made you decide to come to UK Law?**

I decided on UK Law because I had heard it was the best school in the state! I had also heard great things about the College of Law professors and knew I would learn things from them that I would eventually apply to real world situations. My family also lives in Lexington and being close to them is a plus.

### **What are some of your accomplishments that you're most proud of?**

- Fulbright Award: I am probably most proud of the 2009 Fulbright Award that allowed me to teach in Taiwan. This was an amazing experience that took me outside of my comfort zone. I learned a new language and met new people.
- Formosa Foundation Ambassador: A few weeks before I started law school, I was chosen as a Formosa Foundation Ambassador. I traveled to Washington, D.C. where I met with members of Congress and spoke to them about Taiwan. I learned the art of persuasion and was able to get legislation passed to support the people of Taiwan.



## CLASS OF 2015 FUN FACTS

136 | Students Enrolled

64 | Number of Undergraduate Schools

25 | Average Age

42 | Number of Undergraduate Majors

### Is there a particular professor or class that has really left an impression on you?

There are multiple UK College of Law professors who have left an impression on me. Professor Allison Connelly has provided valuable advice on how to excel as a law student and future attorney. Professor Jane Grisé showed me the importance of effective legal writing in my first year legal writing class. Lastly, Professor Collin Schueler has always encouraged me to never stop chasing my legal career goals.

### What are some of your career goals?

First and foremost I want to work as a practicing attorney. I'm interested in all types of law and would be happy working in various fields. You never know where life is going to take you—and I'm ready! A law degree is definitely a dynamic degree, so there's opportunity to work in different areas.

### Anything else you want us to know about you?

Nothing I've accomplished has been done alone. My wonderful parents, Carl and Veronica Williams, have always encouraged me to go after what I want. My teachers and mentors have supported me and encouraged me to never give up. I have had a wonderful support system during my life and law school journey, and for that I am forever grateful and appreciative.

### Most Popular

Political Science, History, English, Economics, Psychology, and Philosophy

### Most Unusual

Art & Design, Biochemistry, Biology, Chemistry, Electrical Engineering, Mechanical Engineering, Marine Studies, Mathematics, and Music

### Prior Careers Include:

Manager for Churchill Downs subsidiary  
AmeriCorps/Teach for America  
Criminal Justice Instructor  
Engineering Consultant  
High School Band Director  
Military Police Officer  
Molecular Analyst  
Property Manager  
Substitute Teacher  
Marine

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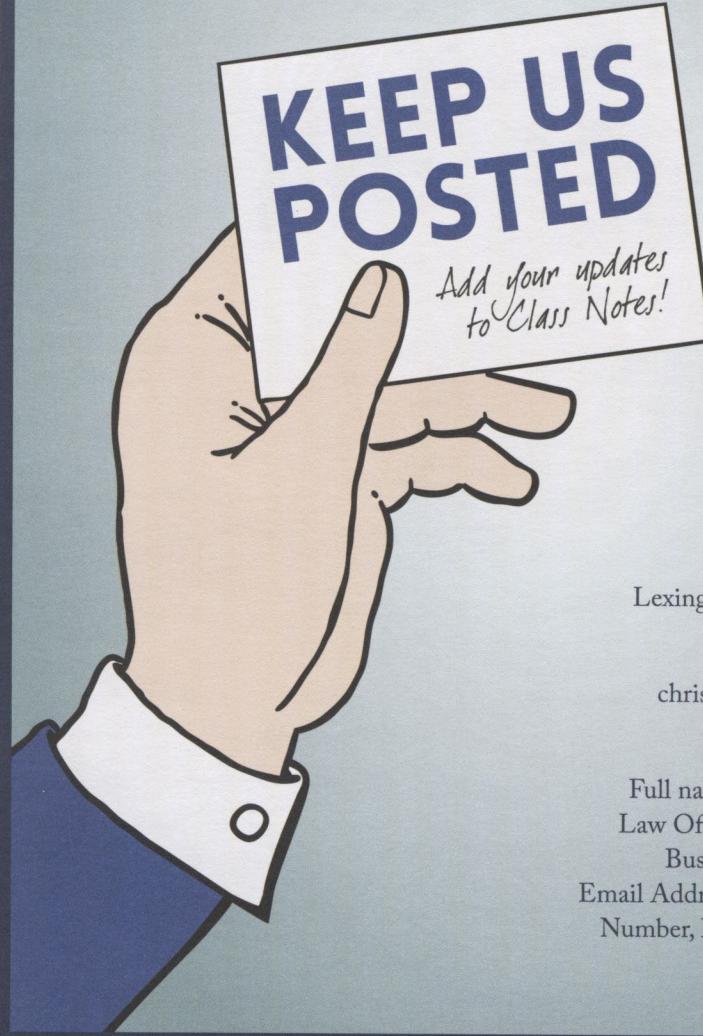
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# Closing Arguments

## DYNAMIC MEDICAID EXPANSION

By Nicole Huberfeld

Professor of Law

In *NFIB v. Sebelius*, the Supreme Court declared the expansion of Medicaid initiated by the Affordable Care Act (ACA) to be unconstitutionally coercive. In the name of state sovereignty, the Court effectively empowered states to opt out of Medicaid expansion. NFIB led to fierce speculation regarding which states would opt-in, and national media have been tracking the expansion through color-coded maps that oversimplify states' expansion decisions. Contrary to that media picture, which indicates that only half of the states are expanding Medicaid, data I have been gathering shows that the ACA initiated an animated set of political choices at both the state and the federal level that eventually will lead all states to Medicaid expansion.

The ACA expanded Medicaid eligibility as part of a new federal statutory architecture that creates near-universal health insurance coverage. When Congress enacted Medicaid in 1965, the program covered only the "deserving poor," meaning the elderly, disabled, pregnant women, and children. The ACA ended Medicaid's limitation to the deserving poor by expanding eligibility to all adults under age sixty-five with income up to 133% of the federal poverty level. The federal government will fund the expansion totally through 2017 and then decrease the federal match to 90% of each Medicaid dollar by 2020.

States that expand their Medicaid eligibility will be able to shift the cost of indigent patients to the federal government, thereby saving money in the long term. States that do not expand Medicaid eligibility will create a hole in coverage for the poor below 100% of the federal poverty level. This population will fall into a coverage gap because the ACA provides tax credits for people whose incomes are between 100% and 400% of the federal poverty level to purchase private insurance in the health insurance exchanges ("marketplaces"), but it does not provide

tax credits to people below 100% of the federal poverty level. Current estimates are that nearly five million people will fall into this gap; although this group will not pay a tax penalty for failure to carry health insurance (they are too poor), they also will not gain the access to care that health insurance facilitates.

History provides helpful perspective here. Medicaid was not immediately implemented by all fifty states in 1965. While some states embraced Medicaid quickly, others nearly missed the 1970 deadline for participation, and Arizona and Alaska abstained for many years beyond that. History also shows that states cannot resist offers of large sums of federal money, particularly when they are connected to healthcare. Prior to Medicaid's creation, the states struggled with providing medical welfare to their citizens. Now, the ACA presents an opportunity to complete the cost shift to the federal fisc, but some states have been demanding that they be able to expand in their own way.

If a state intends to expand its Medicaid program to a new category of eligibility, it submits a State Plan Amendment to the Department of Health and Human Services (HHS). But, if a state wants to expand by unconventional or untested means, then typically the state must seek a Section 1115 "demonstration waiver" from HHS. HHS approved the first Medicaid expansion section 1115 demonstration waiver for Arkansas on September 27, 2013, which permitted Arkansas to experiment with coverage. Instead of placing the new Medicaid population in Arkansas' existing managed care program, new enrollees will purchase insurance on the state's exchange with the state paying the premium for private insurance. That waiver encouraged other states to engage in similar negotiations with HHS.

States that have submitted State Plan Amendments or waivers to HHS are a stable and growing group. They agreed to expand Medicaid to poor citizens historically excluded from the safety net, and many did so quickly after the enactment of the ACA. Some states have included sunset clauses in their enabling legislation that will force political reevaluation when federal funding decreases in 2017. But the generous funding offered for the expansion population, even when states shoulder a portion of the cost, will encourage participating states to continue their eligibility expansion.

On the other hand, states that have rejected the Medicaid expansion in a manner that seems immovable actually have not made permanent decisions. In each of those states, legislative minorities, healthcare providers, advocacy organizations, and poor citizens are decrying the political decision to opt out. Further, in states that have not formally opted out of Medicaid expansion, lively intra-branch negotiations are leading to discussions with HHS that point toward expansion. In sum, despite national media reports to the contrary, most states either have expanded their Medicaid programs or will do so in the near future.

The Medicaid expansion story is still being written. The ongoing dialogues between state governors and legislators, between state and federal executive actors, and even within political parties in the context of the Medicaid expansion reveal a new, dynamic federalism in healthcare. Through lively negotiation and implementation, states will continue to opt in to the Medicaid expansion, until nearly one in four Americans has medical care covered by the Medicaid program.





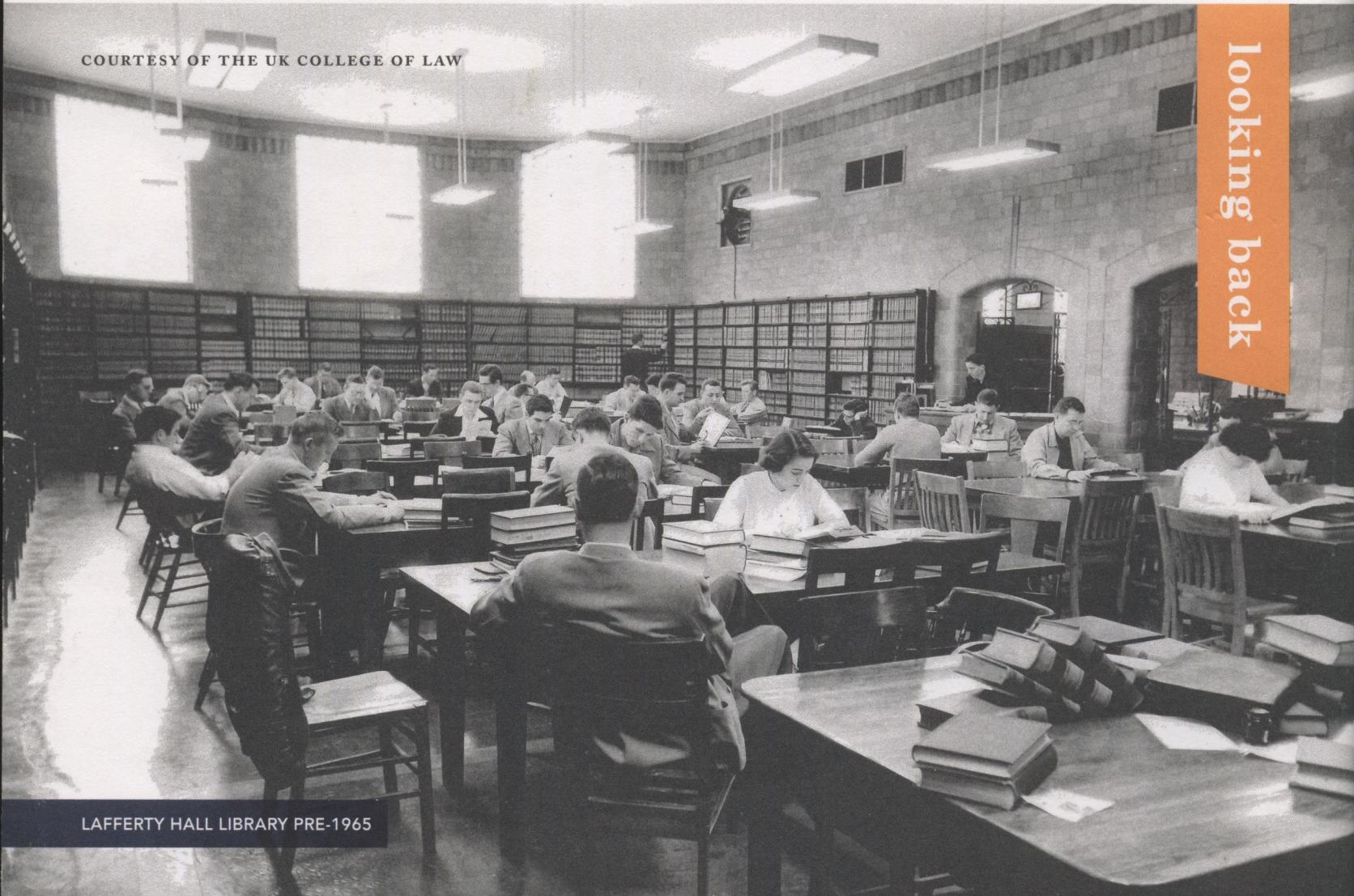
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